

BILL NO. Z-86-06-07

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. E-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby  
designated a B-1-B (Limited Business) District under the  
terms of Chapter 33 of the Code of the City of Fort Wayne,  
Indiana of 1974:

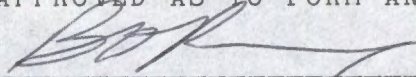
Lot 232 together with Lot 233 in Country Club Terrace  
Addition, Section "A", as recorded in the plat thereof  
in the office of the Recorder of Allen County, Indiana,  
together with the east half of vacated Sheffield Drive  
adjacent on the west. Deed Recording Document Number  
86-012524,

and the symbols of the City of Fort Wayne Zoning Map No.  
E-3, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by E. E. E. E. E.  
seconded by Headquarters, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the C  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wa  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,

DATE: 6-10-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. E. E. E. E.  
seconded by Headquarters, and duly adopted, placed on its  
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 7-22-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

# RECEIPT

*check*  
*# 1483*

COMMUNITY DEVELOPMENT & PLANNING

No 1062

FT. WAYNE, IND., *5/1* 19 *86*

RECEIVED FROM *webco Packaging* \$ *50.00*

THE SUM OF *Fifty* DOLLARS

ON ACCOUNT OF *Lot 232, 233 Country Club*  
*Terrace*  
*B. Steele Co*

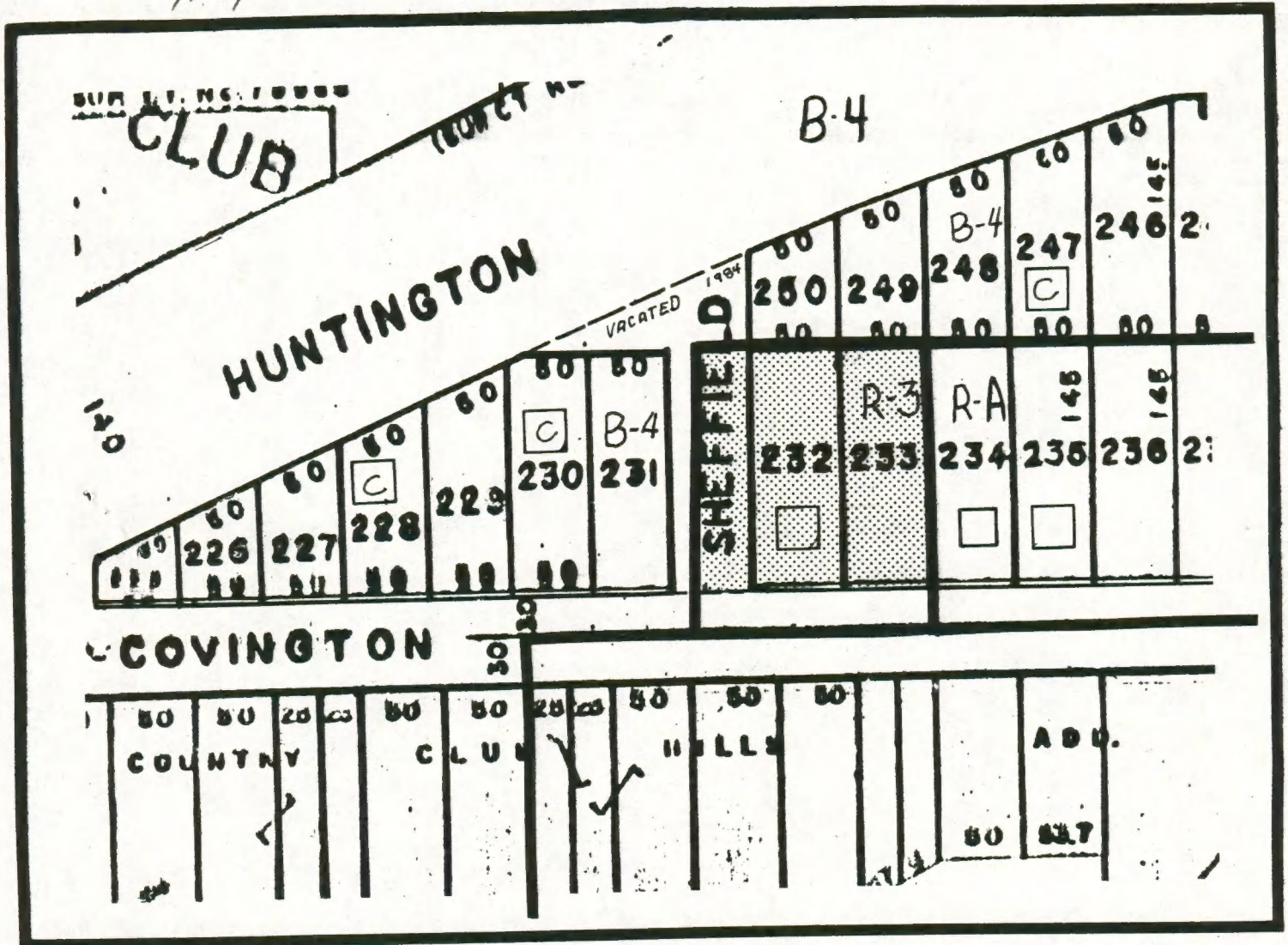
AUTHORIZED SIGNATURE



# REZONING PETITION

A PETITION TO AMEND THE ZONING MAP  
BY RECLASSIFYING DESCRIBED PROPERTY FROM  
AN R-3 TO A B1B DISTRICT.

Map E-3



## ZONING:

R3- MULTIPLE FAMILY RESIDENCE  
B4- ROADSIDE BUSINESS  
RA- RESIDENCE 'A'

## LAND USE:

☐ SINGLE FAMILY DWELLING  
☒ COMMERCIAL

SCALE:

15

DATE: 5-23-86





RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We Stan D. Fishman D/B/A WEBCO Packaging, Inc.  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an B-1-B District the property described as follows:

Lot #232 together with Lot #233 in Country Club Terrace Addition, Section "A", as  
recorded in the plat thereof in the office of the Recorder of Allen County, Indiana,  
together with the east half of vacated Sheffield Drive adjacent on the west. Deed  
Recording Document Number 86-012524

(Legal Description) If additional space is needed, use reverse side.

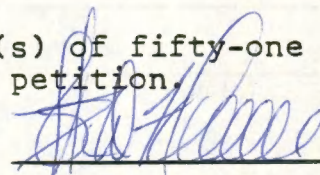
ADDRESS OF PROPERTY IS TO BE INCLUDED: 5812 Covington Road Fort Wayne, Indiana 46804

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Stan D. Fishman

5812 Covington Road



(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Stan D. Fishman

5812 Covington Road

219/432-8648

(Name)

(Address & Zip Code)

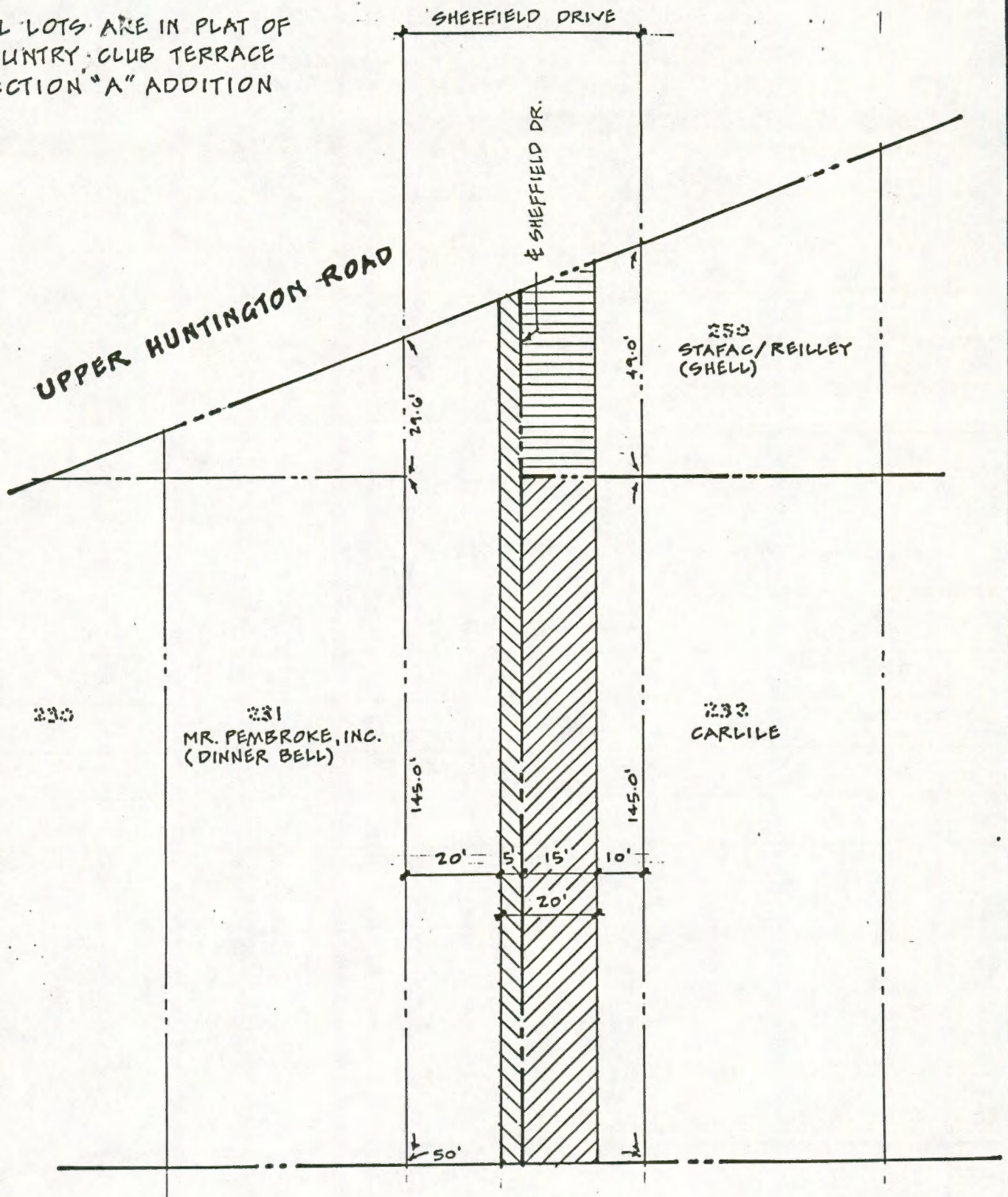
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



ALL LOTS ARE IN PLAT OF  
COUNTRY CLUB TERRACE  
SECTION "A" ADDITION



COVINGTON ROAD

## ACCESS EASEMENT PLAN

SCALE 1" = 30'

DATE 8-31-84



# CERTIFICATE OF SURVEY

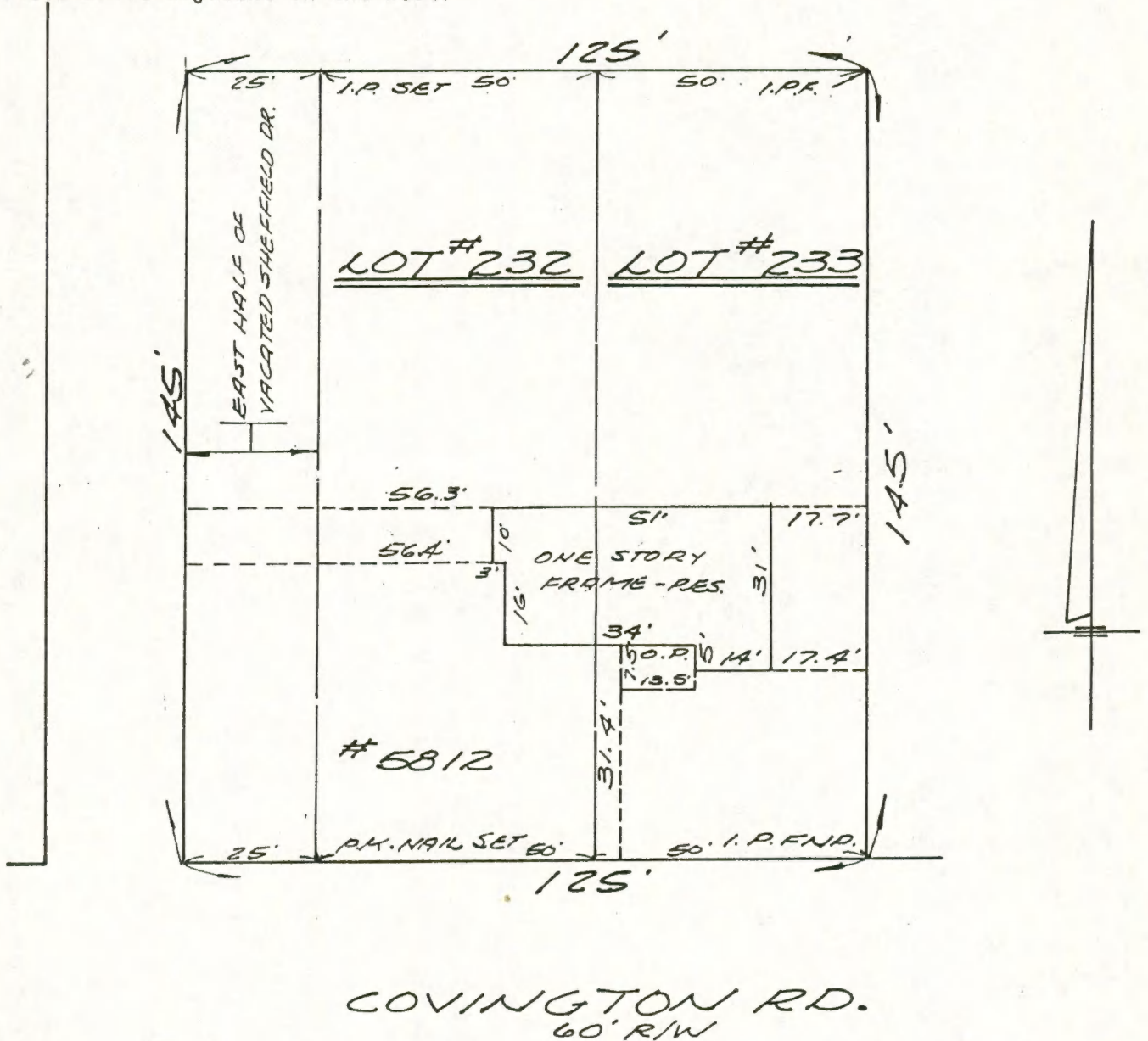
OFFICE OF:

JOHN R. DONOVAN  
REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA  
REGISTERED LAND SURVEYOR No. 9921 INDIANA  
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Lot #232 together with Lot #233 in Country Club Terrace Addition, Section "A", as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, TOGETHER with the East half of vacated Sheffield Drive adjacent on the West.

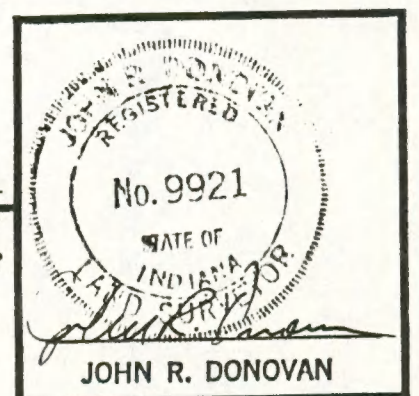


NOTE: According to the Flood Insurance Rate Map (FIRM), number 180003 0020B, dated April 3, 1985, the herein described real estate is not located in a flood hazard area (Zone C).

RE-CERTIFIED 4-1-86 *John R. Donovan*

JOB FOR: CONLEY-CARLILE  
WEBCO PKG.

1"=30'  
10-19-78  
REV. 4-1-86  
Rev. 4-24-86





RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 10, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-06-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 16, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

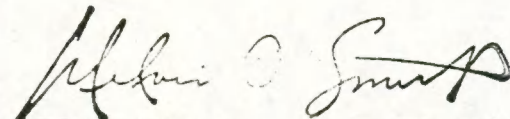
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Way & City Plan Commission held 23 June 1986.

Certified and signed this  
30th day of June 1986.

  
Melvin O. Smith  
Secretary



# Division of Community Development & Planning

BILL NUMBER

## BRIEF TITLE

## APPROVAL DEADLINE

## REASON

Zoning Ordinance Amendment

From R-3 to B-1-B

## DETAILS

## Specific Location and/or Address

5812 Covington Road

## Reason for Project

To allow for office and retail use of subject property.

## Discussion (Including relationship to other Council actions)

## 16 June 1986 - Public Hearing

Stan Fishman, with WESCO Packaging the owner the property in question. Mr. Fishman stated he had received the staff recommendation of DO NOT PASS and felt he needed to respond to the three conclusions supporting the negative recommendation. Mr. Fishman stated that he felt the basic premise for the denial was that vacated Sheffield Drive serves as a logical delineator between the residential and commercial areas. He stated that he disagrees with that premise, the property in question is only 200 feet west of South Bend Drive, which he felt serves as a more logical delineator between commercial and residential. He stated that his property is literally an island in a sea of commercial zones. He stated another point in the recommendation is that his petition is not the undesirable precedent, that precedent has already been set by allowing the nearby and adjacent land to be used for a reception hall, a McDonald's a Jiffy Lube, Empire Restaurant parking lot, Rax Restaurant and parking lot and a Shell Station. He stated that his property is as much a part of Jefferson Blvd., and its view as it is Covington Road. He stated the objection based upon Canterbury School. He stated he felt that primarily the commercial zonings were permitted and existed before Canterbury School moved in. He stated that the school is situated far back from the area, west of South Bend Drive and its main ingress and egress is from South Bend Drive not Covington Road. He stated that Canterbury School is expanding far to the east and north of the lots in question. He stated that he has spent substantial money reconditioning his property, new roofs, gutters, storm windows, siding, shutters, landscaping. He stated that it has had a substantial improvement to the lower level for a doctor's office, over \$20,000 in the last 6 months. He stated that he is currently being taxed on the property as commercial. He stated that being taxed on the property as commercial, is no Sheffield Drive, the street mentioned as a delineator, is no longer Sheffield Drive. He stated that he felt that the lots in question should be zoned B-1 or B-4 or more or less to the discretion of the Board to better reflect and be more compatible with its best use and to remove the current limitations imposed which eliminate many prospective tenants and their resulting rental income. He stated that he had signatures from all surrounding neighbors supporting the change, he submitted photos which demonstrate that the property is surrounded by parking lots and restaurants. He stated that this property will never provide acceptable residential value. He stated it presents a monetary hardship to have it zoned as such. He stated that with regard to it making it difficult to deny similar petitions - the immediate neighbors all have their property listed for sale. He stated that they have found it extremely difficult to sell their property as residential. He stated that they in turn would like

## POSITIONS

## RECOMMENDATIONS

## Sponsor

City Plan Commission

## Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s)

Stan Fishman  
City Department

Other

## Opponents

Groups or Individuals

Basis of Opposition

Staff  
Recommendation☐ For☒ Against

## Reason Against

-approval would encourage commercial encroachment into residential areas

Board or  
Commission  
Recommendation

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass



# DETAILS

the zoning changed as far as South Bend Drive so that they can obtain a fair sale price, that a commercial property would bring. He stated that the zone is naturally separated from the residential areas by South Bend Drive and by the natural topography of the land. He stated that it is so much lower than the land to the east that it cannot be seen. He stated that a quality commercial development would result in a far superior appearance than the current run down and very small structured improvements which exist on the block. He stated that every neighbor felt that this one block area is the last natural expansion left to the Times Corner commercial area and should be zoned as such. He stated that he does not feel his request is unreasonable. He stated that he has improved his property so that it can remain and blend with other quality development which could occur. He stated that he felt it was unfair to eliminate this area which would clean up the block. He stated that the nature of his business is such that he did not enter into the real estate transaction in order to sell it off for a part of a development, he stated that it is especially important

to him to stay in the office in which he resides. He stated that however, he does not need all of the space and there are some tenants who would like to share the space with him and feels it should be zoned accordingly.

Ben Eisbart questioned what he intended to do there and what they would see on the outside if the zoning was changed.

Mr. Fishman stated that he has improved the outside. He stated that he currently has an optometrist as a tenant and would like to be able, in the event of his exodus from the property to rent it to another tenant, such as small retail.

Ben Eisbart questioned if they would change the outside of the structure if the property were rezoned.

Mr. Fishman stated he had no intention of changing the exterior of the structure. He stated that if necessary he would plant a barrier along the eastern edge of the property. He stated he does not intend to change the property.

Ben Eisbart questioned if the land across the street was county.

Mr. Fishman stated it was and that it was also under consideration for rezoning.

Duane Embury requested the staff to show if the area is changing in characteristics enough to warrant acceptance of this request.

Ben Eisbart stated that the staff should coordinate that along with what the County is doing across the street.

Edith Kenna stated that she does not see the problem in the use but in the road. She stated it is a very narrow road which has a rise. She stated that she seemed to recall something from last year on this property regarding the property being rezoned to an R-3 with restrictions for the road and for a frontage road.

David Kiester questioned if there was a zoning request in the area and if so the staff should be advised to pull that request out for their information.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

# POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

23 June 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 6 members present 5 voted in favor of denial one (1) did not vote.

Project Start

Date May 1, 1986

Projected Completion or Occupancy

Date June 30, 1986

Fact Sheet Prepared by

Date June 30, 1986

Patricia Biancianiello  
Reviewed by

Date June 30, 1986

Reference or Case Number



NEW ISSUE

BOND SALE—AUGUST 14, 1986

OFFICIAL STATEMENT DATED AUGUST 1, 1986

**\$5,700,000**

## **City of Fort Wayne, Indiana**

### **Sewage Works Junior Revenue Bonds of 1986**

---

#### **E R R A T A**

On page 3 of the Official Statement in connection with the above-described financing it was stated in error in the Official Bond Sale Notice that the first interest payment date of the Bonds was January 1, 1987; whereas, the Ordinance authorizing the issuance of the Bonds provides for interest payments to commence on July 1, 1987.

The Official Bond Sale Notice has been corrected and republished.

#### **Supplemental Information**

The City of Fort Wayne is prepared to deliver the Bonds in connection with above-mentioned financing within 10 days after the presently scheduled sale and in any event prior to September 1, 1986, notwithstanding the provision for delivery within 30 days set forth in the Official Bond Sale Notice.



OFFICIAL STATEMENT DATED AUGUST 1, 1986

**\$5,700,000****City of Fort Wayne, Indiana****Sewage Works Junior Revenue Bonds of 1986****Dated: August 1, 1986****Due: January 1, as shown below**

Principal and semi-annual interest (January 1 and July 1, first interest payment July 1, 1987) will be disbursed on behalf of the City of Fort Wayne by Summit Bank, the City's Bond Registrar, Transfer Agent and Paying Agent. The Bonds will be issued as fully registered bonds in the denomination of \$5,000 or integral multiples thereof. The Bonds will bear interest at a rate or rates not exceeding 9% per annum, said rate or rates to be determined by bidding as described in the Official Bond Sale Notice contained herein.

The Sewage Works Junior Revenue Bonds of 1986 will be issued as provided in Ordinance No. S-114-86, adopted by the Common Council of the City of Fort Wayne on July 22, 1986 and are scheduled to mature on January 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1989	\$ 80,000	2000	\$ 205,000
1990	90,000	2001	230,000
1991	95,000	2002	245,000
1992	105,000	2003	270,000
1993	115,000	2004	295,000
1994	125,000	2005	320,000
1995	135,000	2006	350,000
1996	150,000	2007	380,000
1997	160,000	2008	415,000
1998	175,000	2009	450,000
1999	190,000	2010	495,000
		2011	625,000

**PURSUANT TO THE PROVISIONS OF THE ACTS AND THE ORDINANCE, PRINCIPAL AND INTEREST ON THE BONDS ARE PAYABLE SOLELY FROM THE MONEYS ON HAND IN THE SEWAGE WORKS SINKING FUND TO BE PROVIDED FROM THE NET REVENUES (AS DEFINED HEREIN) DERIVED FROM THE SEWAGE WORKS OF THE CITY; SUBJECT, HOWEVER TO THE PRIOR PAYMENT FROM THE SEWAGE WORKS SINKING FUND OF THE PRINCIPAL AND INTEREST ON THE OUTSTANDING BONDS.**

**THE BONDS SHALL NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OR STATUTES OF THE STATE OF INDIANA, AND THE CITY SHALL NOT BE OBLIGATED TO PAY THE BONDS OR THE INTEREST THEREON EXCEPT FROM THE MONEYS AVAILABLE THEREFOR IN THE SEWAGE WORKS SINKING FUND.**

**TAX EXEMPTION**

In the opinion of Squire Sanders & Dempsey, under existing law interest on the Bonds is exempt from federal income tax. Under the laws of the State of Indiana as presently enacted and construed, the Bonds and the interest thereon are exempt from taxation by the State of Indiana for all purposes except the State inheritance tax. (See "Tax Exemption" and "Pending Federal Tax Legislation" herein.)

**LEGAL OPINION**

Legal matters incident to the authorization and issuance of the Bonds are subject to the approving opinion of Bond Counsel and copies of such opinion will be furnished to the purchaser of the Bonds at the time of delivery. This opinion will also be printed on the Bonds.

*The City of Fort Wayne has authorized the distribution of this Official Statement to prospective purchasers and other interested parties.*



The information contained in this Official Statement, which includes the cover page, summary statement and appendices, has been obtained from the City of Fort Wayne, Indiana and other sources which are deemed reliable. No representation or warranty is made, however, as to the accuracy or completeness of such information. This Official Statement is submitted in connection with the sale of securities as referred to herein and may not be reproduced or be used, in whole or in part, for any other purpose. The information and expressions of opinion in the Official Statement are subject to change without notice. Neither, the delivery of this Official Statement nor any sales made hereunder at any time shall, under any circumstances, imply that information herein is correct as of any time subsequent to its date.

No dealer, salesman or any other person has been authorized by the City of Fort Wayne to give any information or to make any representation other than as contained in the Official Statement in connection with the offering described herein and, if given or made, such other information or representation must not be relied upon.

This Official Statement does not constitute an offering of any securities other than those described on the cover page or an offer to sell or a solicitation of an offer to buy, and there shall not be any sale of the Bonds by any person in any jurisdiction in which such offer, solicitation or sale would be unlawful.

Upon issuance, the Bonds will not be registered by the City of Fort Wayne under the Securities Act of 1933, as amended, or any state securities law and will not be listed on any stock or other securities exchange. The City of Fort Wayne has not applied to the Securities Exchange Commission or any other federal or state authority for review of the adequacy of disclosures made in this Official Statement or approval of the Bonds for sale.

**CITY OF FORT WAYNE, INDIANA**

**MAYOR**

Winfield C. Moses Jr.

**BOARD OF PUBLIC WORKS**

David J. Kiester  
Director

Cosette R. Simon

Lawrence D. Consalvos

**CITY CLERK**

Sandra E. Kennedy

**CITY CONTROLLER**

Cosette R. Simon

**COMMON COUNCIL**

Samuel J. Talarico  
President

Paul M. Burns  
Thomas C. Henry  
Charles B. Redd  
Donald J. Schmidt

Mark E. GiaQuinta  
Benjamin A. Eisbart  
Janet G. Bradbury  
James S. Stier

**CITY ATTORNEY**

Bruce O. Boxberger

**BOND COUNSEL**

Squire Sanders & Dempsey  
Columbus, Ohio

**FINANCIAL CONSULTANTS**

Municipal Consultants, Inc.  
Indianapolis, Indiana  
Maitland, Florida



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## SUMMARY STATEMENT

### Sewage Works Junior Revenue Bonds of 1986

(Subject in all respects to the information contained elsewhere in this Official Statement.)

<b>Issuer.....</b>	City of Fort Wayne, Indiana - Sewage Utility
<b>Securities Offered.....</b>	\$5,700,000 Sewage Works Junior Revenue Bonds of 1986
<b>Bonds Presently Outstanding.....</b>	Revenue Refunding Bonds of 1985 - \$ 18,096,275 and the original bonds so refunded.
<b>Security.....</b>	Secured by and payable from net revenues of the sewage works (defined as gross revenues after deduction for payment of operation, repair and maintenance expenses) subject to the prior charge of the Refunding Bonds of 1985.
<b>Offering Date.....</b>	August 14, 1986
<b>Interest Payment Dates.....</b>	January 1 and July 1, commencing July 1, 1987.
<b>Maturity Date.....</b>	Serial Bonds - January 1, 1989 to 2011, inclusive.
<b>Redemption.....</b>	The Bonds maturing on or after January 1, 1997 shall be subject to redemption prior to stated maturity, in whole or in part in inverse order of maturity, at a redemption price of 102% of the principal amount thereof, plus accrued interest to the redemption date, on any interest payment date, commencing July 1, 1996.
<b>Other Terms and Conditions.....</b>	Bonds will be issued in fully registered form in \$5,000 denomination or integral multiples thereof. A bond registrar, transfer agent and paying agent will be designated pursuant to contract prior to delivery of Bonds. Sale pursuant to sealed bids at time and place specified in Official Bond Sale Notice. Bid awarded to bidder of lowest net interest cost. Good faith funds required with bid - \$50,000.
<b>Use of Proceeds.....</b>	Construction of plant and sewer line improvements; purchase of plant and sewer maintenance equipment and vehicles; installation of plant computer main frame; funding for a portion of the debt service reserve fund in the amount of \$570,000; and, payment of incidental costs incurred in issuance of the Bonds.

**Business and Service Area.....** The City owns and operates the sewage works which collects and treats all domestic, commercial and industrial sewage discharged in the City of Fort Wayne, contiguous areas of Allen County as well as wastes from City of New Haven and other nearby municipalities. The City also owns and operates the local municipal water utility. The sewage works serves about 74,000 residential and commercial users, 300 industrial users, and other municipal contract customers with a treatment plant having a 60 MGD capacity.

**Sewage Rates.....** The Common Council of the City promulgates sewage rates pursuant to powers delegated by the Indiana legislature. Rates are subject to public hearing and certain statutory tests for reasonableness. Rates now in effect have heretofore been approved, as to structure and reasonableness, by the Environmental Protection Agency, Region V.

**Financial Information:**

Pro Forma Net Revenues Available for Debt Service (1986).....	\$	3,250,947
Debt Service Requirement - Average Annual Requirement - Times.....		1.35

**Capitalization - December 31, 1985, as adjusted for bonds now offered:**

Long-Term Bonded Debt.....	17.7%
Equity of the Municipality.....	82.3%



**OFFICIAL NOTICE OF BOND SALE**  
City of Fort Wayne, Indiana

Sealed proposals will be opened and considered by the City Controller and the Board of Public Works and Safety of the City of Fort Wayne, Indiana, at the City Controller's Office in the City County Building, One Main Street, Fort Wayne, Indiana, at the hour of 10:00 o'clock a.m. (Fort Wayne Time) on August 14, 1986, for the purchase of the following described revenue bonds of the City's sewage works:

Sewage Works Junior Revenue Bonds of 1986, in the amount of \$5,700,000; dated as of July 1, 1986, interest at a rate or rates not exceeding 9% per annum (to be determined by bidding), payable on January 1, 1987, and semi-annually thereafter; Denomination \$5,000 or any integral multiple thereof and shall mature and be payable on January 1, in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1989	\$ 80,000	2000	\$ 205,000
1990	90,000	2001	230,000
1991	95,000	2002	245,000
1992	105,000	2003	270,000
1993	115,000	2004	295,000
1994	125,000	2005	320,000
1995	135,000	2006	350,000
1996	150,000	2007	380,000
1997	160,000	2008	415,000
1998	175,000	2009	450,000
1999	190,000	2010	495,000
		2011	625,000

The bonds shall be in registered form without coupons. The principal and interest on the bonds shall be paid by check or draft mailed or delivered to the registered holder thereof at his address as it appears on the registration books maintained by a bond registrar and paying agent to be named prior to the aforesaid sale date of the bonds, except for the final payment which shall be made upon presentation of the bond at the corporate trust office of the bond registrar. The bonds maturing January 1, 1997 and thereafter shall be subject to redemption prior to date of maturity, in whole or in part in inverse order of maturity, at a redemption price of 102% of the principal amount thereof, plus accrued interest to the redemption date, on any interest payment date commencing July 1, 1996.

Each bid must be for all of said bonds and must state the rate or rates of interest which the bonds are to bear, not exceeding the maximum rate hereinbefore set forth. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-tenth (1/10) of one (1) percent. Bids specifying more than one interest rate shall so specify the amount and maturities of the bonds bearing each rate, but all bonds maturing on the same date shall bear the same rate. No conditional bid will be considered. Said bonds will be awarded to the highest responsible and qualified bidder who has submitted his bid in accordance herewith. The highest bidder shall be the one who offers the lowest net interest cost to the City on said issue as a whole, to be determined by computing the total interest on the bonds to their maturities at the rate or rates named in the bid and deducting therefrom the premium bid, if

any. No bid for less than the face value of said bonds, plus accrued interest to the date of delivery, computed at the rate or rates named in the bid shall be considered. Each bid shall be accompanied by a certified or cashier's check payable to the City of Fort Wayne in the amount of \$50,000 as a guarantee of the good faith of the bidder. In the event the successful bidder shall fail or refuse to accept delivery of said bonds in accordance with his bid and the notice of sale, then said check and the proceeds thereof shall be the property of the City and shall be considered as its liquidated damages on account of such default. The City Controller shall have the right to reject any and all bids and in the event no satisfactory bid is received on the date fixed in the notice, the City Controller shall be authorized to continue the sale from day to day for a period of not to exceed thirty days without advertisement, but during such continuation of the sale no bid shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

All bids must be on a customary bid form which shall be enclosed in a sealed envelope addressed to the undersigned City Controller, and marked on the outside "Bid for Fort Wayne Sewage Works Revenue Bonds of 1986", and each bid shall be accompanied by a certified or cashier's check as provided for above. The successful bidder shall make payment for the bonds and accept delivery thereof within five (5) days after being notified that the bonds are ready for delivery, at such bank in the City of Fort Wayne as she shall designate, or as agreed between the successful bidder and the City Controller. The checks of unsuccessful bidders will be returned immediately following the award of the bonds. It is anticipated that the bonds will be ready for delivery within thirty days after the date of sale, and if not deliverable within that time, the successful bidder shall be entitled to cancel the sale, and in such event, his good faith check will be returned. No interest will be paid on the good faith deposit.

The unqualified approving opinion of Squire Sanders and Dempsey, Bond Counsel of Columbus, Ohio, together with the printed bonds with the legal opinion printed thereon, a transcript of the proceedings relating to the issuance of said bonds, and closing papers in the usual form showing no litigation questioning the validity of the bonds, will be furnished to the purchaser at the expense of the City.

CUSIP identification numbers may be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds. All expenses in relation to the printing of CUSIP numbers on said bonds shall be paid for by the issuer; provided, however, that the issuer assumes no responsibility for any CUSIP Service Bureau or other charge that may be imposed for the assignment of such numbers.

The bonds are being issued for the purpose of providing funds for application on the cost of construction and installation of additions and improvements to the sewage works owned and operated by the City of Fort Wayne, including the funding for a debt service reserve in the amount of \$570,000. The project was approved by the Common Council of the City of Fort Wayne in Ordinance Bill No. S-86-04-11 adopted on July 22, 1986. A copy of said ordinance and the engineering and financial data pertaining to the project may be examined at the office of the City Controller in the City-County Building, One Main Street, Fort Wayne, Indiana.

The City now has outstanding certain Sewage Works Improvement Revenue Bonds (hereinafter the "1959 Bonds"), dated November 1, 1959, in the amount of Six Hundred Forty Thousand Dollars (\$640,000), issued under the date of November 1, 1959, bearing interest at the rates of 3 7/8% or 3 1/4% per annum, depending on maturities, maturing on August 1 in the years 1986 to 1990, inclusive; certain Sewage Works Improvement Revenue Bonds of 1961 (hereinafter the "1961 Bonds") outstanding in the amount of Nine Hundred Thirty Thousand



Dollars (\$930,000) issued under date of August 1, 1961, bearing interest at the rate of 3 3/4% per annum, maturing on August 1 in the years 1986 to 1993 inclusive, which bonds are on a parity with the 1959 bonds; certain Sewage Works Improvement Revenue Bonds of 1970 (hereinafter the "1970 Bonds") outstanding in the amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000), issued under the date of April 1, 1970, bearing interest at the rates of 6.5%, 6.7%, 6.9% or 7% per annum, depending on the maturities, maturing on August 1 in the years 1986 to 1995 inclusive, which bonds are on a parity with the 1959 bonds and the 1961 bonds; certain Sewage Works Improvement Revenue Bonds of 1975 (hereinafter the "1975 Bonds") outstanding in the amount of Five Million Two Hundred Eighty-Five Thousand Dollars (\$5,285,000), issued under date of January 1, 1975, bearing interest at the rates of 6.5%, 6.7% or 5% per annum, depending on maturities, maturing on August 1 in the years 1986 to 1997 inclusive, which bonds are on a parity with the 1959 bonds, 1961 bonds and 1970 bonds; certain Sewage Works Improvement Revenue Bonds of 1982 (hereinafter the "1982A Bonds") outstanding in the amount of Three Million Four Hundred Thousand Dollars (\$3,400,000), issued under date of July 1, 1982, bearing interest at the rates of 12.375%, 12.4%, 12.6% or 12.75% per annum depending on the maturities, maturing on August 1 in the years 1996 to 2000 inclusive, which bonds are on a parity with the 1959 bonds, 1961 bonds, 1970 bonds and the 1975 bonds; certain Sewer Connection Revenue Bonds of 1982 (hereinafter the "1982B Bonds") outstanding in the amount of Three Million Nine Hundred Forty Thousand Dollars (\$3,940,000), issued under date of July 1, 1982, bearing interest at the rates of 12%, 12.25%, 12.20% and 12.375% per annum depending on the maturities, maturing on August 1 in the years 1986 to 1998 inclusive, which bonds are on a parity with the 1959 bonds, 1961 bonds, 1970 bonds, 1975 bonds and 1982A bonds; all of which bonds constitute a first charge upon the net revenues of the Sewage Works. The City has also outstanding bonds issued to refund the 1959 bonds, 1961 bonds, 1970 bonds, 1975 bonds, 1982A bonds and 1982B bonds, designated Sewer Works Revenue Refunding Bonds (hereinafter the "Refunding Bonds") in the original principal amount of Eighteen Million Ninety-Six Thousand Two Hundred Seventy-Five and 15/100 Dollars (\$18,096,275.15), issued under date of December 18, 1985, bearing interest at various rates, maturing February 1 and August 1 of each year from 1989 through 2000 and on August 1, 2005, which bonds are junior to the 1959 bonds, 1961 bonds, 1970 bonds, 1975 bonds 1982A bonds, and 1982B bonds, and constitute a second charge upon the net revenues of the Sewage Works. The bonds hereinafter offered are junior to the Refunding Bonds. The Ordinance authorizing the issuance of the bonds herein offered authorize the issuance of additional bonds on a parity with the bonds offered herein under certain conditions more specifically set forth in said Ordinance.

All bidders shall be deemed to be advised of the provisions of said ordinance and as to the property, revenues and financial condition of the City's sewage works. Said bonds will not constitute a corporate indebtedness of the City within the provisions and limitations of the constitution of the State of Indiana. An official statement prepared for the city, including a copy of said ordinance authorizing the bonds now being offered and certain financial and engineering data may be obtained upon application to Municipal Consultants, Inc., Suite 1212 East Tower, One Merchants Plaza, Indianapolis, Indiana, 46204, telephone (317) 635-3442, financial advisor to the City or to the undersigned City Controller, 9th Floor, City-County Building, Fort Wayne, Indiana, 46802, telephone (219) 427-1106.

Dated this 18th day of July, 1986.

/s/ Cosette R. Simon  
\_\_\_\_\_  
City Controller  
City of Fort Wayne

## **OFFICIAL STATEMENT**

**CITY OF FORT WAYNE, INDIANA**

**Relating to the Issuance of \$5,700,000**

**Sewage Works Junior Revenue Bonds of 1986**

The purpose of this Official Statement including the cover page, Bond Sale Notice and Appendices is to provide information relating to the Sewage Works Junior Revenue Bonds of 1986 (Bonds) to be issued by the City of Fort Wayne, Indiana (City).

### **DESCRIPTION OF THE BONDS**

The Sewage Works Junior Revenue Bonds (Bonds) are being issued pursuant to Indiana Code 36-9-23 and pursuant to Ordinance No. S-114-86 adopted by the Common Council of the City of Fort Wayne (City) on July 22, 1986 (Ordinance) to provide funds for the construction of additions and improvements to the sewage works, funding a portion of the debt reserve in the amount of \$570,000 and to pay the expenses incidental to the issuance of the Bonds.

The Bonds will be junior and subordinate to presently outstanding Sewage Works Revenue Refunding Bonds (Refunding Bonds) and to the bonds being refunded by the Refunding Bonds heretofore issued by the City and now outstanding in the amounts of \$18,096,275.15 and \$16,025,000 respectively. Previously, pursuant to Indiana Code 5-1-5 and Ordinance No. S-85-11-36, the City issued the Refunding Bonds to refund the then outstanding Sewage Works Revenue Bonds and Sewer Connection Revenue Bonds (Refunded Bonds).

The Bonds shall be issued as fully registered bonds in the principal amount of \$5,000 or any integral multiple thereof; shall mature on January 1 in the years 1989 to 2011 inclusive; and shall bear interest at a rate or rates not exceeding nine percent (9%) per annum, the exact rate or rates to be determined by bidding. Interest shall be payable semi-annually on January 1 and July 1, beginning July 1, 1987. The Bonds maturing on or after January 1, 1997 are subject to optional redemption by the City, either in whole or in part in inverse order of maturity, in integral multiples of \$5,000 on any interest payment date, commencing July 1, 1996, at the redemption price of 102% of the principal amount redeemed.

The principal of and interest on the Sewage Works Junior Revenue Bonds, as well as the presently outstanding bonds, will be payable from the net revenues of the sewage works (defined in the Ordinance as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance). The City of Fort Wayne will not be obligated to pay the Bonds nor the interest thereon except from the net revenues of the sewage works and the Bonds will not constitute an indebtedness of the City within the meaning of the provisions and the limitations of the Constitution of the State of Indiana.

### **PURPOSE OF ISSUE AND PROJECT COST**

The \$5,700,000 Sewage Works Junior Revenue Bonds are being issued to fund additions and improvements to the sewage works which shall consist of construction and reconstruction of sanitary sewers and combination sewers; installation of a computer main frame to operate and regulate sewage treatment functions; construction of interceptor sewer lines; purchase



of plant and sewer maintenance equipment and vehicles; payment of engineering costs and incidental expenses in connection with the issuance of the Bonds. In addition, a portion of the proceeds of the Bonds will be set aside in a Debt Service Reserve Fund for the Bonds.

#### PROJECT COST AND BOND PROCEEDS

<u>Construction and Equipment Costs</u>	
Trucks and Incidental Equipment	\$ 239,000
Vactors, Jets, Pumps, Compressors and Tools	556,450
WPC Plant - Sludge Handling Equipment	157,000
- Plant Equipment	812,500
- Computer Main Frame	1,066,550
- Other Equipment and Construction	148,500
Sewer Lines and Interceptors	<u>2,075,000</u>
Total Construction and Equipment Costs	<u>5,055,000</u>
<u>Non-Construction Costs</u>	
Legal, Administrative and Fiscal	<u>75,000</u>
Total Project Cost	<u>5,130,000</u>
Debt Service Reserve Fund*	<u>570,000</u>
Total Bond Proceeds	<u>\$ 5,700,000</u>

\*Any remaining portion of the Debt Service Reserve Fund will be funded, if required, by an equity payment from the City at date of closing.

#### **REGULATION**

Rates charged for sewage service in the City are fixed by the Common Council pursuant to adoption of a rate ordinance after duly advertised public notice and hearing. The rate covenant of the bond ordinance requires the City to maintain rates which adequately provide all of the financial requirements necessary to operate the sewage system and make all required payments to the Sewage Works Sinking Fund.

#### **RATES AND CHARGES**

The Ordinance provides that the City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said sewage works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewerage system of the City, or that in any way uses or is served by such works; that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the works, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by the Sewer Act and the Ordinance; and that such rates or charges shall be sufficient in each year to produce net revenues, equal to 1.1 times the greater of the average annual debt service on the Bonds and all bonds on a parity therewith or the debt service payable during the next succeeding twelve calendar months on the Bonds and all bonds on a parity therewith. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, depreciation and the requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof, and shall be paid semi-annually by the City or the various departments thereof as the charges accrue.

## DISPOSITION OF REVENUES

The Sewage Works Sinking Fund (Sinking Fund), heretofore created by an ordinance authorizing issuance of revenue bonds, has been designated the Sinking Fund for the Bonds of this issue. There shall be paid monthly into the Sinking Fund a sufficient amount of the net revenues derived from the sewage works, for the payment of:

- (a) the interest on all bonds which by their term are payable from the revenues of the sewage works, as such interest shall fall due; provided, however, that credit shall be given for interest payable on any Refunded Bonds, so long as sufficient funds are available under the Escrow Agreement securing the Refunded Bonds for the payment thereof,
- (b) the necessary fiscal agency charges for paying bonds and interest,
- (c) the principal of all bonds which by their term are payable from the revenues of the sewage works, as such principal shall fall due; provided, however, that credit shall be given for principal payable on any Refunded Bonds, as long as sufficient funds are available under the Escrow Agreement securing the Refunded Bonds for the payment thereof,
- (d) an additional amount as a margin of safety, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal not less than ten percent (10%) of all other amounts so required to be paid into the Sinking Fund, and
- (e) any amounts necessary to maintain a balance in the Sewage Works Reserve Account equal to the Sewage Works Reserve Requirement.

Payments into the Sinking Fund shall be made monthly in an amount equal to at least 1/12 of the amount required for such payments during the then next succeeding twelve (12) calendar months and shall continue until such time as said fund shall contain an amount sufficient to pay all of the bonds then outstanding and payable therefrom together with the interest thereon to the dates of maturity thereof. In addition to the required monthly payments into the Sewage Works Sinking Fund, all the net revenues not used in making said required Sinking Fund payments shall be set aside and paid into the Sinking Fund, on a monthly basis as available, until there has been accumulated in the Sewage Works Sinking Fund, over and above said required payments but including the funded reserves and investment income thereon, an amount equal to the sum of the principal and interest on all then outstanding bonds which will be payable therefrom during the then next succeeding twelve (12) calendar months. No part of the Sinking Fund shall be used in calling revenue bonds for redemption prior to maturity, except to the extent that the amount in the Sinking Fund exceeds the amount required to pay the principal of and interest on the revenue bonds during the twelve (12) calendar months following the date of such redemption. Moneys in the Sinking Fund shall not be used for any other purpose whatsoever except as provided in the Ordinance.

Any excess revenues, which remain after the accumulation in the Sinking Fund of an amount sufficient to meet the requirements of said Sinking Fund for the then next succeeding twelve (12) calendar months, and there has been accumulated an amount in a separate fund, Sewage Works Operation and Maintenance Fund, sufficient for operation, repair and maintenance of the sewage works for a like period, may be placed in the Sewage Works Improvement Fund and may be used for improvements, betterments and extensions to the sewage works. All or any portion of the funds accumulated and reserved for operation, repair and maintenance, or in the Sewage Works Improvement Fund, shall be transferred to



the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on any bonds payable therefrom.

### **CONSTRUCTION ACCOUNT**

The accrued interest and the premium received, if any, from the proceeds of the sale of the Bonds, at the time of the delivery of the bonds, shall be deposited in the Sewage Works Sinking Fund. Bond proceeds in the amount of \$570,000 will be deposited in the Sewage Works Reserve Account in the Sinking Fund. The remaining proceeds from the sale of the bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as City of Fort Wayne, 1986 Sewage Works Construction Fund (Construction Account). The funds in the Construction Account shall be expended only for the purpose of paying the cost of the improvements and extensions to the sewage works or for the expenses of issuance of the Bonds (See "Purpose of Issue" herein). Any balance or balances remaining unexpended in the Construction Account, after completion of the improvements and extensions, which are not required to meet unpaid obligations incurred in connection therewith, shall be paid into the Sewage Works Sinking Fund.

The improvements and extensions shall be constructed under the supervision and subject to the approval of the City's Engineering Department ("Engineers"). All estimates for work done or material furnished shall first be checked by the Engineers and approved by the Board of Public Works.

All funds deposited to the credit of the Sewage Works Construction Account or the Sewage Works Sinking Fund shall be deposited, held, secured or invested in Eligible Investments (see Ordinance) and in accordance with the laws of the State of Indiana relating to depositing, holding, securing or investing of public funds. Any interest or other accretions derived from any such investments shall become a part of the funds so invested.

### **ISSUANCE OF ADDITIONAL REVENUE BONDS**

The City reserves the right to authorize and issue additional revenue bonds, payable out of the revenues of the sewage works, ranking on a parity with the Bonds authorized by the Ordinance and now offered but subordinate to the Refunding Bonds and Refunded Bonds, for the purpose of financing the cost of future additions, extensions and improvements to the sewage works, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof.

(b) As of the date of the issuance of such additional bonds, the balance in the Sewage Works Sinking Fund shall equal not less than the Sewage Works Reserve Requirement calculated to include principal and interest requirements on the Bonds, any then outstanding parity bonds and the additional parity bonds proposed to be issued.

(c) The net revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the Bonds authorized by the Ordinance shall be not less than one hundred and twenty percent (120%) of the maximum annual interest and principal requirements of the then outstanding bonds, any then outstanding parity bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the sewage rates and charges shall be increased sufficiently so that such increased rates and charges applied to the previous fiscal year's operations would have produced net operating revenues for the said year equal to not less than one hundred and twenty percent (120%) of the maximum annual

interest and principal requirements to the then outstanding bonds, any then outstanding parity bonds and the additional parity bonds proposed to be issued; provided, however, that in any year in which the final maturity of a series of bonds occurs, annual interest and principal requirements may be reduced for the purposes of the provisions described in this subsection by the balance in the Sewage Works Reserve Account allocable thereto.

(d) The principal of such additional parity bonds shall be payable on January 1 and the interest thereon shall be payable semi-annually on January 1 and July 1, in the years in which such principal and interest are payable.

(e) Any term bonds issued on a parity with the Bonds shall have sinking fund amortization such that the combined principal and interest due on the Bonds, any then outstanding parity bonds and the additional parity bonds proposed to be issued is substantially level over the term of all such parity bonds.

For purposes of showing compliance with requirement (c) above, the records of the sewage works shall be analyzed and all showings shall be prepared by an independent certified public accountant employed by the City for that purpose, who shall certify that he has no pecuniary interest in the additions and extensions, or the financing thereof in any way whatsoever other than to make the analysis and prepare the showings.

#### **ACCOUNTS AND REPORTS**

The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made and showing (i) all revenues collected from said works and deposited in said fund, (ii) all disbursements made therefrom on account of the operation of the works, and to meet the requirements of the Sewage Works Sinking Fund, (iii) all other financial transactions relating to said works, including the amounts set aside or credited to the Sewage Works Sinking Fund, the Sewage Works Operation and Maintenance Fund and the Sewage Works Improvement Fund, and (iv) the cash balance in each of said funds as of the close of the preceding fiscal year. There shall be prepared and furnished, upon written request, to the original purchaser of the Bonds, and to any holder of the Bonds, not more than ninety (90) days after the close of each fiscal year, income and expense and balance sheet statements of the works, covering the preceding fiscal year, which annual statements shall be certified by the City Controller, or the person charged with the duty of auditing the books and records relating to said works, or by licensed independent public accountants employed for that purpose. Copies of all such statements and reports shall be kept on file in the office of the City Controller. Any holder or holders of the Bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

#### **RIGHTS AND REMEDIES OF REVENUE BONDHOLDERS**

The provisions of the Ordinance shall constitute a contract by and between the City of Fort Wayne and the holders of the Bonds therein authorized and after the issuance of the Bonds the Ordinance is not permitted by its terms to be repealed or amended in any respect which would adversely affect the rights of the holders of the Bonds, nor is the Common Council of the City permitted to adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders so long as any of the Bonds or the interest thereon remains unpaid.

Subject to the terms and conditions contained in the Ordinance, the holders of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds



issued pursuant to the Ordinance and then outstanding shall have the right, from time to time, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental thereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in the Ordinance, or in any supplemental ordinance; provided, however, that nothing contained herein shall permit or be construed as permitting:

- (a) An extension of the maturity of the principal of or interest on any Bond issued; or
- (b) A reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon; or
- (c) The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge created by the Ordinance; or
- (d) A preference or priority of any Bond or Bonds issued pursuant to this Bond Ordinance over any other Bonds or Bonds issued pursuant to the provisions of the Ordinance; or
- (e) A reduction in the aggregate principal amount of the Bonds required for consent of such supplemental ordinance.

#### **MISCELLANEOUS ORDINANCE PROVISIONS**

The City shall at all times maintain the sewage works in good condition and conduct operations in an efficient manner and at a reasonable cost.

The City shall maintain insurance on the insurable parts of the sewage works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana, and any insurance proceeds shall be used in replacing or repairing the property destroyed or damaged; or, if not used for that purpose, shall be treated and applied as net revenues of the sewage works.

The City shall not mortgage, pledge, or otherwise encumber its sewage works or any part thereof, and shall not sell, lease, or otherwise dispose of any portion thereof except equipment which may become worn out or obsolete, and shall be replaced; nor shall the City, except as expressly provided by the section of the Ordinance concerning the issuance of additional revenue bonds, execute or issue any additional notes, bonds or other obligations pledging any portion of the revenues of the sewage works unless made subordinate and junior in all respects to the Bonds herein authorized, unless all of the Bonds herein authorized are retired or defeased, pursuant to the Ordinance, coincidentally with the delivery of such additional bonds or other obligations.

#### **LITIGATION**

To the knowledge of the Mayor, the City Controller and the City Attorney, there is no litigation pending or threatened against the City which questions or affects the validity of the Bonds or any proceedings or transactions relating to the issuance, sale or delivery thereof.

There is litigation involving the City in which a judgment was rendered against the City on July 10, 1986, requiring the City to pay \$50,000 by August 9, 1986 and further requiring the City to make certain repairs to a parking garage owned by the judgment holder, which are currently estimated to cost \$1,200,000. The City has placed in escrow the sum of

\$300,000 to apply to the cost of such repairs. This judgment is currently being appealed. Moreover, the City believes it may be entitled to indemnification from certain engineers, which could result in full reimbursement of all the foregoing costs to the City.

The City Attorney will certify prior to delivery of the Bonds that there is no litigation pending, filed or threatened to be filed, of which they have knowledge, which challenges the issuance of the Bonds.

### **LEGAL MATTERS**

Legal matters incident to the authorization and issuance of the Bonds are subject to the approving opinion of Squire Sanders & Dempsey, Columbus, Ohio, Bond Counsel. Copies of such opinion will be furnished to the purchaser of the Bonds at the time of delivery. Squire Sanders & Dempsey have not investigated or examined the facts, figures, financial statements or other representations contained in this Official Statement and are not expressing an opinion as to whether this Official Statement contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements herein not misleading.

### **TAX EXEMPTION**

The validity of the Bonds will be passed upon by Squire Sanders & Dempsey, Bond Counsel. In the opinion of Bond Counsel, under existing law interest on the Bonds is exempt from federal income tax. Under the laws of the State of Indiana as presently enacted and construed, the bonds and the interest thereon are exempt from taxation by the State of Indiana for all purposes except the State inheritance tax. That opinion as to the exemption of interest from federal income tax will be based on and will assume the accuracy of certain representations of the City set forth in the Ordinance and the City's certifications, to be contained in the transcript of proceedings. Bond Counsel will not independently verify the certifications and representations made by the City.

### **PENDING FEDERAL TAX LEGISLATION**

H.R. 3838, entitled Tax Reform Act of 1985, as passed by the United States House of Representatives on December 17, 1985, would, if enacted in that form, establish new requirements for the interest on state and local government obligations to be and remain exempt from federal income tax. On March 14, 1986, the chairman and ranking minority members of the House Committee on Ways and Means and the Senate Committee on Finance and the Secretary of the Treasury issued a joint statement on the effective dates of pending tax reform legislation (Joint Statement) endorsing postponement of the effective date of certain listed provisions so that they would not be applicable to certain obligations issued prior to the earlier of September 1, 1986 or the date of enactment of tax reform legislation. On July 17, 1986 the Joint Statement was amended with respect to certain arbitrage provisions of certain pooled financings (Amended Joint Statement). H.R. 3838, as passed by the House on December 17, 1985, but with the effective date stated for provisions listed in the Amended Joint Statement, is here referred to as the "House Bill".

The City has covenanted to comply with the House Bill, unless and to the extent compliance is not required pursuant to a written opinion of nationally recognized bond counsel. The City will provide a supplemental opinion of Bond Counsel, based upon the City's covenants, representations and certifications, to the effect that the Amended Joint Statement is applicable to the Bonds, and that, under the House Bill, the Bonds would not be "nonessential function bonds" and would be obligations to which Section 103(a) of the Internal Revenue Code, as amended by the House Bill, would apply, the interest on which is excluded from gross income for federal income tax purposes.

Under the House Bill the interest on obligations which are not "nonessential function bonds" will not be included as a preference item subject to the alternative minimum tax generally applicable to individuals and corporations. However, under the House Bill, interest on any of the Bonds held by property and casualty insurance companies during tax years beginning after 1987 may be subject to a special minimum tax imposed by the House Bill. The House Bill also would adversely affect certain federal income tax deductions of certain financial institutions and of property and casualty insurance companies that acquire the Bonds.

On June 24, 1986, the Senate passed H.R. 3838 in amended form (the "Senate Bill"). Provisions in the Senate Bill pertaining to tax-exempt obligations such as the Bonds would be effective for obligations issued after the date of enactment and therefore would not be applicable to the Bonds, except that a provision, applicable to corporations (as defined for federal income tax purposes), that would impose an alternative minimum tax on a portion of the excess of "adjusted net book income" over "pre-book alternative minimum taxable income" could subject part of the interest on the Bonds received by corporations to such tax.

It cannot be known whether or in what form the House Bill, the Senate Bill or other tax proposals may be enacted, to what extent they may affect any of the foregoing, or adversely affect the tax-exemption of interest on, or the value or marketability of, the Bonds.

### **RATINGS**

Ratings of the Bonds being offered herein have been applied for by the City. The City has furnished to bond rating agencies, at their request, supplemental information relating to the finances of the City which has not been included in this Official Statement. There is no assurance that said agencies will grant ratings; nor what ratings may be granted; nor for what definitive period such ratings would be in effect, changed or withdrawn.

### **ACCURACY REPRESENTATION AND AUTHORIZATION**

The foregoing summaries and statements in this Official Statement do not purport to be complete and are expressly made subject to the exact provisions of the complete documents. For details of all terms and conditions, prospective purchasers are referred to the Official Bond Sale Notice and the Ordinance contained herein.

Any statements in this Official Statement involving matters of opinion, whether or not expressly so stated, are intended as such and are not presented as unqualified statements of fact. The information contained herein has been carefully compiled from sources deemed reliable and to the best knowledge and belief of the City there are no untrue statements nor omissions of material facts in the Official Statement which would make the statements and representations therein misleading.

Certain supplemental information concerning the financial condition of the City which is exhibited hereafter is considered part of this Official Statement.

The presentation of historical tax and other financial data is intended to show recent trends. There is no intention to represent herein that such trends will continue in the future.

This Official Statement has been prepared on behalf of the City of Fort Wayne by Municipal Consultants, Inc. with offices in Indianapolis, Indiana and Maitland, Florida, which firm was so employed for such purpose. Inquiries concerning information contained in the



Official Statement should be directed to said Municipal Consultants, Inc., attention D. Jean Killough (317-635-3442).

The execution of this Official Statement has been duly authorized by City of Fort Wayne.

CITY OF FORT WAYNE

/s/Winfield C. Moses, Jr.

Winfield C. Moses, Jr., Mayor

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## ORDINANCE NO. S-114-86

An Ordinance concerning the construction of additions and improvements to, and the acquisition of equipment for, the sewage works of the City of Fort Wayne, the issuance of junior revenue bonds to provide funds for the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said junior revenue bonds, and other matters connected therewith and repealing ordinances inconsistent therewith.

WHEREAS, the City of Fort Wayne (the "City") has heretofore established, constructed and financed sewage works pursuant to Chapter 61 of the Acts of the Indiana General Assembly for the year 1932 (Special Session), and now owns and operates said sewage works pursuant to I.C. 36-9-23 (the "Sewer Act"); and

WHEREAS, the Board of Public Works and Safety of the City of Fort Wayne has represented to the Common Council of the City and the Common Council now finds that said sewage works is in need of certain additions, improvements and equipment; that plans, specifications and estimates for the necessary additions and improvements to, and equipment for, the sewage works have been prepared and filed by the Water Pollution Control Engineering Department of the City, which plans and specifications will have been approved prior to construction by the Board of Public Works and Safety of said City and by all governmental authorities having jurisdiction, particularly the Stream Pollution Control Board of the State of Indiana, and the State Board of Health and any successors thereto; and

WHEREAS, the Common Council further finds that the Board of Public Works and Safety has received engineering estimates and other confirming data fixing the estimated cost of construction of said additions and improvements to, and the acquisition of equipment for, the sewage works of said City, and on the basis of said estimates and data, the cost of said project has been determined to be approximately Five Million Fifty-Five Thousand Dollars (\$5,055,000) for construction of sewers and improvements and acquisition of certain equipment; and approximately Seventy-Five Thousand Dollars (\$75,000) to defray incidental costs of issuance; and

WHEREAS, the Common Council finds that the cost of said additions, improvements and equipment cannot be provided for out of funds of the sewage works now on hand or to be received prior to the completion thereof; that funds to apply on the cost should be provided by the issuance of junior revenue bonds payable solely out of the net revenues of the City's sewage works; that the financial advisor to the City of Fort Wayne has advised that reserves in the amount of Five Hundred Seventy Thousand Dollars (\$570,000) funded by bond proceeds are necessary expenses in financing the works and that the incidental costs of issuance and financing also should be paid from said bond proceeds; and

WHEREAS, the Common Council finds that there are now outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds" (the "1959 Bonds"), dated November 1, 1959, now outstanding in the amount of Six Hundred Forty Thousand (\$640,000), bearing interest at the rates of three and seven-eighths percent (3 7/8%) or three and one-quarter percent (3 1/4%) per annum, depending on the maturities, maturing on August 1 in the years 1986 to 1990, inclusive, which bonds constitute a first charge upon the net revenues of the sewage works; and



WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1961" (the "1961 Bonds"), dated August 1, 1961, now outstanding in the amount of Nine Hundred Thirty Thousand Dollars (\$930,000), bearing interest at the rate of three and three-quarters percent (3 3/4%) per annum, maturing on August 1 in the years 1986 to 1993, inclusive, which bonds are on a parity with the 1959 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1970" (the "1970 Bonds"), dated April 1, 1970, now outstanding in the amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000), bearing interest at the rates of six and seven-tenths percent (6.7%), six and nine-tenths percent (6.9%) or seven percent (7.0%) per annum, depending on the maturities, maturing on August 1 in the years 1986 to 1995, inclusive, which bonds are on a parity with the 1959 Bonds and the 1961 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1975" (the "1975 Bonds"), dated January 1, 1975, now outstanding in the amount of Five million Two Hundred Eighty-Five Thousand Dollars (\$5,285,000), bearing interest at the rates of six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%) or five percent (5%) per annum, depending on the maturities, maturing on August 1 in the years 1986 to 1997, inclusive, which bonds are on a parity with the 1959 Bonds, the 1961 Bonds and the 1970 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Revenue Bonds of 1982" (the "1982A Bonds"), dated July 1, 1982, now outstanding in the amount of Three Million Four Hundred Thousand Dollars (\$3,400,000), bearing interest at the rates of twelve and three hundred seventy-five one-thousandths percent (12.375%), twelve and four-tenths percent (12.4%), twelve and six-tenths percent (12.6%) or twelve and seventy-five one-hundredths percent (12.75%) per annum, depending on the maturities, maturing on August 1 in the years 1996 to 2000, inclusive, which bonds are on a parity with the 1959 Bonds, the 1961 Bonds, the 1970 Bonds and the 1975 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewer Connection Revenue Bonds of 1982" (the "1982B Bonds"), dated July 1, 1982, now outstanding in the amount of Three Million Nine Hundred Forty Thousand Dollars (\$3,940,000), bearing interest at the rates of twelve percent (12%), twelve and twenty-five one-hundredths percent (12.25%), twelve and twenty one-hundredths percent (12.20%) and twelve and three hundred seventy-five one-thousandths percent (12.375%) per annum, depending on the maturities, maturing on August 1 in the years 1985 to 1998, inclusive, which bonds are on a parity with the 1959 Bonds, the 1961 Bonds, the 1970 Bonds, the 1975 Bonds and the 1982A Bonds (collectively, the "Refunded Bonds") and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued to refund the Refunded Bonds designated "Sewer Works Revenue Refunding Bonds" (the "Refunding Bonds"), initially dated December 18, 1985, in the original principal amount of \$18,096,275.15, bearing interest at various rates, maturing February 1 and August 1 of each year from 1989 through 2000 and on August 1, 2005, which bonds are junior to the Refunded Bonds (collectively, the Refunded Bonds and Refunding Bonds are referred to herein as the "Outstanding Bonds") and also constitute a second charge upon the net revenues of the sewage works; and

WHEREAS, the ordinances authorizing the issuance of the Outstanding Bonds require that, unless certain conditions are met, any bonds subsequently issued be junior and subordinate to the Outstanding Bonds in respect to the application of the revenues of said sewage works; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of said junior revenue bonds have been complied with in accordance with the provisions of the Sewer Act; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

Section 1. In addition to the words and terms elsewhere defined in the proceedings, the following words and terms as used in this ordinance (the "Bond Ordinance") and in the Bonds authorized and defined in Section 3 hereof shall have the following meanings unless otherwise provided therein and unless the context or use indicates another or different meaning or intent:

"Authorized Denominations" means the denomination of \$5,000 or any integral multiple thereof.

"Bonds" means the \$5,700,000 City of Fort Wayne Sewage Works Revenue Bonds of 1986 authorized in Section 3 hereof.

"Eligible Investments" means:

1. Direct and general obligations of the United States of America, or obligations which are unconditionally guaranteed as to principal and interest by the United States of America.

Also permitted are evidences of ownership of proportionate interests in future interest and principal payments of the above United States Obligations. Investments in these proportionate interests shall be limited to circumstances wherein (a) a bank or trust company acts as custodian and holds the underlying obligations; (b) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying obligations; and (c) the underlying obligations are held in a special account separate from the custodian's general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated.

2. Obligations issued or guaranteed by the instrumentalities or agencies of the United States of America Described below:

- (a) Federal Home Loan Bank Systems;
- (b) Export-Import Bank of the United States;
- (c) Federal Financing Bank;
- (d) Government National Mortgage Association;
- (e) Farmers Home Administration;

- (f) Federal Home Loan Mortgage Company;
- (g) Federal Housing Administration;
- (h) Private Export Funding Corp;
- (i) Tennessee Valley Authority.

3. Pre-refunded municipal obligations meeting the following conditions:

- (a) the municipal obligations shall not be callable prior to maturity or, alternatively, the trustee has received irrevocable instructions concerning their calling and redemption;
- (b) the municipal obligations are secured by cash or Eligible Investments described in No. 1 ("United States Obligations"), which cash or United States Obligations may be applied only to interest, principal, and premium payments of such municipal obligations;
- (c) the principal and interest of the United States Obligations (plus any cash in the fund) are sufficient to meet the liabilities of the municipal obligations;
- (d) the United States Obligations serving as security for the municipal obligations must be held by an escrow agent or a trustee; and
- (e) the United States Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent.

4. Direct and general long-term obligations of any state of the United States on which the full faith and credit of the state is pledged and which are rated in either of the two highest rating categories by Moody's Investors Service ("Moody's") or Standard and Poor's Corporation ("S&P") (if rated at all).

5. Direct and general short-term obligations of any state of the United States described in No. 4 above which are rated in the highest rating category by Moody's and S&P (if rated at all).

6. Interest bearing demand or time deposits with or certificates of deposit issued by a national banking association or a state bank or trust company which is a member of the Federal Deposit Insurance Corporation ("FDIC") or a savings and loan association which is a member of the Federal Savings and Loan Insurance Corporation ("FSLIC") which are (a) continuously and fully insured by the FDIC or the FSLIC, or (b) with a bank which has outstanding debt, or which is a subsidiary of a one-bank holding company which has outstanding debt, rated at least P-1 by Moody's or at least A-1 by S&P, or (c) continuously and fully secured by obligations of the type described in Nos. 1 and 2 above which have a market value at all times at least equal to the principal amount of the deposit and which are held by the depository of the funds being invested or its agent or, in the case of bookentry securities, are registered in the name of the depository of the funds being invested as pledgee. The depository of the funds being invested should have a perfected first lien in the United States Obligations serving as collateral, and such collateral must be free from all third party liens.

7. Long-term or medium-term corporate debt guaranteed by any corporation which is rated by Moody's and S&P in their two highest rating categories.

8. Repurchase agreements, the maturity of which is less than 30 days, entered into (a) with a bank or trust company organized under the laws of any state of the



United States or with a national banking association, insurance company, or government bond dealer reporting to, trading with, and recognized as a primary dealer by the Federal Reserve Bank of New York and which is a member of the Security Investors Protection Corporation or (b) with a dealer which is rated, or the parent holding company of which is rated, investment grade by Moody's or S&P. The repurchase agreement must be continuously and fully secured by obligations of the type described in No. 1 or No. 2 above which have a fair market value, exclusive of accrued interest, at least equal to the amount invested in the repurchase agreement and which are held by the depository of the funds being invested or its agent or, in the case of bookentry securities, are registered in the name of the depository of the funds being invested as pledgee. The depository of the funds being invested should have a perfected first lien in, and retain possession of, the collateral. The obligations services as collateral must be free from all third party claims.

9. Prime commercial paper of the United States corporation, finance company or banking institution rated "P-1", or "A-1" by Moody's or S&P, respectively.

10. Public housing bonds issued by public agencies. These bonds must be fully secured by a pledge of annual contributions under a contract with the United States government; temporary notes, preliminary loan notes or project notes secured by a requisition or payment agreement with the United States; or state or public agency or municipality obligations rated in the highest rating category by a nationally recognized bond rating agency.

"Escrow Agreement" means the Escrow Agreement, dated as of November 1, 1985, between the City and Summit Bank, as escrow trustee.

"Government Obligations" means (i) direct and general obligations of the United States of America, or those which are unconditionally guaranteed as to principal and interest by the same, and (ii) pre-refunded municipal obligations meeting the following criteria:

- (a) the municipal obligations may not be callable prior to maturity or, alternatively, the trustee has receive irrevocable instructions concerning their calling and redemption;
- (b) the municipal obligations are secured by cash or securities described in subparagraph (i) above (the "Defeasance Obligations"), which cash or Defeasance Obligations may be applied only to interest, principal, and premium payments of such municipal obligations;
- (c) the principal and interest of the Defeasance Obligations (plus any cash in the fund) are sufficient to meet the liabilities of the municipal obligations;
- (d) the Defeasance Obligations serving as security for the municipal obligations must be held by an escrow agent or a trustee; and
- (e) the Defeasance Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent;

provided that any investment or deposit described above is not prohibited by applicable Indiana law.

Additionally, evidences of ownership of proportionate interests in future interest and principal payments of Defeasance Obligations are permissible. Investments in these proportionate interests are limited to circumstances wherein (a) a bank or trust company acts as custodian and holds the underlying obligations; (b) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying obligations; and (c) the underlying obligations are held in a special account separate and apart from the custodian's general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated.

"Holder" means a person in whose name a Bond is registered on the Register.

"Interest Payment Dates" means each January 1 or July 1, commencing on July 1, 1987 in the years during which the Bonds are outstanding under the provisions of this Bond Ordinance.

"Outstanding Bonds" means the Outstanding Bonds as defined in the preambles hereto.

"Paying Agent" means Summit Bank.

"Register" means the books kept and maintained by the Registrar for registration of principal and interest on the Bonds and for registration of transfer of the Bonds.

"Registrar" means Summit Bank.

"1986 Sewage Works Construction Fund" means the 1986 Sewage Works Construction Fund created in Section 11 hereof.

"Sewage Works Improvement Fund" means the Sewage Works Improvement Fund described in Section 13 hereof.

"Sewage Works Operation and Maintenance Fund" means the Sewage Works Operation and Maintenance Fund created in Section 13 hereof.

"Sewage Works Reserve Account" means the Sewage Works Reserve Account created in Section 11 hereof.

"Sewage Works Reserve Requirement" means, with respect to the Bonds, one year's maximum principal and interest on all Bonds and any bonds on a parity with the Bonds; provided, however, that principal and interest requirements for the final maturity year of any series of bonds, including the Bonds, shall be computed by subtracting from total principal and interest requirements for that series of bonds in that year the balance in the Sewage Works Reserve Account allocable to that series.

"Sewage Works Sinking Fund" means the Sewage Works Sinking Fund described in Section 11 hereof, including therein the Sewage Works Reserve Account.

"Sewer Act" means Ind. Code 36-9-23.

Section 2. The City shall proceed with the construction of additions and improvements to, and acquisition of equipment for, its sewage works in accordance with the plans and specifications heretofore or from time to time prepared and filed by City engineers, which plans and specifications are by reference made a part of this Bond Ordinance as fully as if the same were attached hereto and incorporated herein and two copies of

which are now on file in the office of the Clerk of the City of Fort Wayne, Indiana, and are open for public inspection pursuant to I.C. 36-1-5-4. The cost of construction and acquisition of said additions, improvements and equipment, including the funding of a debt reserve in the amount of \$570,000 and the cost of issuance shall not exceed the sum of \$5,700,000 without further authorization from this Common Council. The terms "sewage treatment works," "works" and other like terms where used in this Bond Ordinance shall be construed to mean and include all structures and property of the City's sewer utility, including items defined at I.C. 36-9-1-8. Said additions and improvements to, and equipment for, the sewage works shall include facilities and equipment to extend, improve and renovate the sewage system, and shall be constructed and acquired in accordance with the plans and specifications heretofore mentioned, which plans and specifications are hereby approved. Said additions, improvements and equipment shall be constructed and acquired and the Bonds herein authorized shall be issued pursuant to and in accordance with the provisions of the Sewer Act, and all acts supplemental thereto, relating to the issuance of junior revenue bonds.

Section 3. The City shall issue its sewage works junior revenue bonds in an original principal amount of \$5,700,000 (the "Bonds"), for the purpose of procuring funds to apply on the cost of said works, including the funding of a debt reserve in the amount of \$570,000 and the cost of issuance. Any provisions of this Bond Ordinance to the contrary notwithstanding, said Bonds shall rank junior to the Outstanding Bonds.

- (a) Form and Numbering. The Bonds shall be issued only in fully registered form substantially as set forth herein, shall be exchangeable for fully registered Bonds of Authorized Denominations in the manner and on the terms provided herein, and shall be numbered as determined by the Registrar, as hereinafter defined.
- (b) Denomination and Dates. The Bonds shall be issued in Authorized Denominations and shall be dated as of the Interest Payment Date next preceding the date of their authentication except that if authenticated on an Interest Payment Date they shall be dated as of such date of authentication; provided that if at the time of authentication interest thereon is in default, they shall be dated as of the date to which interest has been paid.
- (c) Maturities and Interest Rates. Interest on the Bonds shall be payable on each Interest Payment Date commencing on July 1, 1987 at rate or rates not exceeding nine percent (9%) per annum (the exact rate or rates to be determined by bidding). The principal shall be payable at maturity on January 1 in the years and amounts as follows:



<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1989	\$ 80,000	2000	\$ 205,000
1990	90,000	2001	230,000
1991	95,000	2002	245,000
1992	105,000	2003	270,000
1993	115,000	2004	295,000
1994	125,000	2005	320,000
1995	135,000	2006	350,000
1996	150,000	2007	380,000
1997	160,000	2008	415,000
1998	175,000	2009	450,000
1999	190,000	2010	495,000
		2011	625,000

Section 4. Principal of and interest and any premium due on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of Summit Bank, as the paying agent (the "Paying Agent"). The principal of and any premium on any Bond shall be payable when due to the person in whose name a Bond is registered (the "Holder") on the books (the "Register") kept and maintained by Summit Bank (the "Registrar") for registration and transfer of the Bonds at the principal offices of the Paying Agent and interest on the Bonds shall be paid on each Interest Payment Date by check or draft which the Paying Agent shall cause to be mailed on that date to the Holder of the Bond (or one or more Predecessor Bonds, as hereinafter defined) as of the close of business on the 15th day of the calendar month next preceding an Interest Payment Date applicable to that Bond (the "Regular Record Date") at the Holder's address as it appears on the Register. If and to the extent that the City shall fail to make payment or provision for payment of interest on any Bonds on any Interest Payment Date, that interest shall cease to be payable to the person who was the Holder of that Bond (or of one or more Predecessor Bonds) as of the applicable Regular Record Date. In that event, when moneys become available for payment of the interest, (i) the Registrar shall establish a special record date (the "Special Record Date") for the payment of that interest, which Special Record Date shall be not more than 15 nor fewer than 10 days prior to the date of the proposed payment and (ii) the Registrar shall cause notice of the proposed payment and of the Special Record Date to be mailed by first class mail, postage prepaid, to each Holder at its address as it appears on the Register not fewer than 10 days prior to the Special Record Date and, thereafter, the interest shall be payable to the persons who are the Holders of the Bonds (or their respective Predecessor Bonds) at the close of business on the Special Record Date. As used herein, "Predecessor Bond" means, with respect to any particular Bond, every previous Bond evidencing all or a portion of the same debt as that evidenced by the particular Bond. The Bonds shall mature on January 1 in the years and amounts as set forth in Section 3 hereof.

This Common Council hereby designates Summit Bank, as paying agent under this Bond Ordinance for the Bonds, as registrar for the Bonds for the purpose of keeping and maintaining the Register for the registration, exchange and transfer of the Bonds pursuant to this Bond Ordinance and as authenticating agent for the Bonds. Every successor Registrar appointed pursuant to the provisions of the Bond Registrar Agreement described in Section 20 hereof shall be a trust company or bank in good standing located in or incorporated under the laws of the State of Indiana duly authorized to exercise trust powers and subject to examination by federal or state authority, having a reported capital and surplus of not less than \$50,000,000.

Section 5. The Bonds maturing on or after January 1, 1997 shall be subject to redemption prior to stated maturity, in whole or in part in inverse order of maturity, at a redemption price of 102% of the principal amount thereof, plus accrued interest to the redemption date, on any Interest Payment Date, commencing July 1, 1996.

The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption to the Holder of each Bond subject to redemption in whole or in part at the Holder's address shown on the Register on the 15th day preceding that mailing; provided that no failure to receive notice by mailing, and no defect in that notice, as to any Bond shall affect the validity of the proceedings for the redemption of any Bond.

Notice having been mailed in the manner heretofore provided, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date.

If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest thereon to the redemption date, are held by the Paying Agent on the redemption date so as to be available therefor on that date and, if notice of redemption shall have been mailed in the manner heretofore provided, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding hereunder. If those moneys shall not be so available on the redemption date, or that notice shall not have been mailed as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

All moneys deposited with and held by the Paying Agent for the redemption of particular Bonds shall be held in trust for the account of the Holders thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

Section 6. The Bonds shall be signed in the name of the City of Fort Wayne by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the City Controller and attested by the manual or facsimile signature of the Clerk, who shall affix the seal of said City to each of the Bonds manually or shall have the seal imprinted or impressed thereon by facsimile or by any other means. The Bonds may, where appropriate, bear the manual or facsimile signatures of validly appointed Deputy officials. Subject to provisions for registration, the Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

The Bonds, and any bonds ranking on a parity therewith, as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a charge upon all the net revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the sewage works of the City, including the works heretofore constructed and all additions and improvements thereto and replacements thereof presently or subsequently constructed or acquired; subject, however, to the prior payment in accordance with the terms thereof, of the principal of and interest on the Outstanding Bonds payable from the revenues of the City's sewage works as hereinbefore set forth,

said Outstanding Bonds being a first or second charge, as applicable, against said net revenues. The City shall not be obligated to pay the Bonds or the interest thereon except from the net revenues of said works, and the Bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution or statutes of the State of Indiana.

Section 7. The form and tenor of the Bonds shall be substantially as provided in Exhibit A hereto, all blanks to be filled in properly prior to delivery thereof.

Section 8. So long as any of the Bonds remain outstanding, the City will cause books for the registration and transfer of Bonds, as provided herein, to be maintained and kept at the designated office of the Registrar. Bonds may be exchanged, at the option of their Holder, for Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed principal amount of, and bearing interest at the same rate and maturing on the same date or dates as, the Bonds being exchanged. The exchange shall be made upon presentation and surrender of the Bonds being exchanged at the designated office of the Registrar, together with an assignment duly executed by the Holder or its duly authorized attorney in any form which shall be satisfactory to the Registrar.

Any Bond may be transferred upon the Register, upon presentation and surrender thereof at the designated office of the Registrar, together with an assignment duly executed by the Holder or its duly authorized attorney in any form which shall be satisfactory to the Registrar. Upon transfer of any Bond and on request of the Registrar, the City shall execute in the name of the transferee, and the Registrar shall authenticate and deliver, a new Bond or Bonds in the name of the transferee, of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed principal amount of, and bearing interest at the same rate and maturing on the same date or dates as, the Bonds presented and surrendered for transfer.

In all cases in which Bonds shall be exchanged or transferred hereunder, the City shall execute, and the Registrar shall authenticate and deliver, Bonds in accordance with the provisions hereof. The exchange or transfer shall be made without charge to the Holder; provided that the City and the Registrar may make a charge for every exchange or transfer of Bonds which is sufficient in amount to reimburse them for any tax or excise required to be paid with respect to the exchange or transfer. Those charges shall be paid before a new Bond is delivered.

All Bonds issued upon any transfer or exchange of Bonds shall be the valid special obligations of the City, evidencing the same debt, and entitled to the same benefits hereunder, as the Bonds surrendered upon transfer or exchange. Neither the City nor the Registrar shall be required to make any exchange or transfer of a Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds and ending at the close of business on the day of the mailing or to transfer or exchange any Bonds selected for redemption, in whole or in part.

In case any Bond is redeemed in part only, on or after the redemption date and upon presentation and surrender of the Bond, the City shall cause execution of, and the Registrar shall authenticate and deliver, a new Bond or Bonds in Authorized Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date or dates as, the Bond redeemed in part.



If any Bond is mutilated, lost, wrongfully taken or destroyed, in the absence of written notice to the City or the Registrar that a lost, wrongfully taken or destroyed Bond has been acquired by a bona fide purchaser, the City shall execute, and the Registrar shall authenticate and deliver, a new Bond of like date, maturity and denomination as the Bond mutilated, lost, wrongfully taken or destroyed; provided that (i) in the case of any mutilated Bond, the mutilated Bond first shall be surrendered to the Registrar and (ii) in the case of any lost, wrongfully taken or destroyed Bond, there first shall be furnished to the City and the Registrar evidence of the loss, wrongfully taking or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them.

If any lost, wrongfully taken or destroyed Bond shall have matured, instead of issuing a new Bond, the City may direct the Registrar to pay that Bond without surrender thereof upon the furnishing of satisfactory evidence and indemnity as in the case of issuance of a new Bond. The City and the Registrar may charge the Holder of a mutilated, lost, wrongfully taken or destroyed Bond their reasonable fees and expenses in connection with their actions pursuant to this Section.

Every new Bond issued pursuant to this Section by reason of any Bond being mutilated, lost, wrongfully taken or destroyed (i) shall constitute, to the extent of the outstanding principal amount of the Bond lost, mutilated, wrongfully taken or destroyed, an additional contractual obligation of the City, regardless of whether the mutilated, lost, wrongfully taken or destroyed Bond shall be enforceable at any time by anyone and (ii) shall be entitled to all of the benefits of this Bond Ordinance equally and proportionately with any and all other Bonds issued and outstanding hereunder; provided that nothing in this paragraph shall limit the authority and right of the City to exercise its rights under the indemnity furnished at the time of issuance of a new Bond or payment of a Bond without surrender.

All Bonds shall be held and owned on the express condition that the foregoing provisions of this Section are exclusive with respect to the replacement or payment of mutilated, lost, wrongfully taken or destroyed Bonds and, to the extent permitted by law, shall preclude any and all other rights and remedies with respect to the replacement or payment of negotiable instruments or other investment securities without their surrender, notwithstanding any law or statute to the contrary now existing or enacted hereafter.

Any Bond surrendered pursuant to this Section for the purpose of payment or retirement, or for exchange, replacement or transfer, shall be cancelled upon presentation and surrender thereof to the Registrar or any Paying Agent. Any Bond cancelled by the Paying Agent shall be transmitted promptly to the Registrar by the Paying Agent.

The City may deliver at any time to the Registrar for cancellation any Bonds previously authenticated and delivered hereunder, which the City may have acquired in any manner whatsoever. All Bonds so delivered shall be cancelled promptly by the Registrar. Certification of the surrender and cancellation shall be made to the City by the Registrar at least twice each calendar year.

Unless otherwise directed by the City, cancelled Bonds shall be promptly destroyed by the Registrar by shredding or incineration after their cancellation. Evidence of any destruction of cancelled bonds shall be provided by the Registrar to the City upon written request.

In the event any Bond shall not be presented for payment when the principal of or premium thereon becomes due in whole or in part, either at stated maturity, at the date fixed for redemption thereof or otherwise, or in the event any check or draft for inter-

est on any Bond is uncashed, if money sufficient to pay the principal then due of that Bond or such check or draft shall have been made available to the Registrar for the benefit of its Holder, then all liability of the City to that Holder for payment of the principal then due of the Bond or of the interest represented by such check or draft shall cease and be completely discharged. Thereupon, it shall be the duty of the Registrar to hold those moneys, without liability for interest thereon, in a separate account for the exclusive benefit of the Holder of that Bond, who shall thereafter be restricted exclusively to those moneys for any claim of whatever nature on its part under this Bond Ordinance on, or with respect to, the principal or interest then due of that Bond or the interest represented by such check or draft.

Any of those moneys which shall be so held by the Registrar, and which remain unclaimed by the Holder of the Bond not presented for payment or a check or draft not cashed for a period of six years after that due date thereof, shall upon request in writing by the City be paid to the City free of any trust or lien. Thereafter, the Holder of that Bond shall look only to the City for payment and then only to the amounts so received by the City without any interest thereon, and the Registrar shall have no responsibility with respect to those moneys.

Section 9. The City Controller is hereby authorized and directed to have the Bonds prepared, and the Mayor, Clerk and City Controller are hereby authorized and directed to execute the Bonds, in the form and manner herein provided. The City Controller or the Clerk is hereby authorized and directed to deliver the Bonds to the purchaser thereof after sale made in accordance with the provisions of this Bond Ordinance, provided that at the time of said delivery the City Controller or the Clerk shall collect the full amount which the purchaser has agreed to pay therefor, which shall not be less than the face value of the Bonds, plus accrued interest from the date thereof to the date of delivery (the "Purchase Price"). The Bonds herein authorized, when fully paid for and delivered to the purchaser, shall be the binding special revenue obligations of the City, payable out of the net revenues of the City's sewage works to be set aside into the Sewage Works Sinking Fund as herein provided, and the proceeds derived from the sale of the Bonds shall be and are hereby set aside for application of the cost of acquisition, construction and installation of said additions and improvements to, and equipment for, the sewage works hereinbefore referred to, funding a debt reserve in the amount of \$570,000 and the payment of expenses necessarily incurred in connection therewith. The proper officers of the City are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this Bond Ordinance.

Section 10. Prior to the sale of the Bonds, the City Controller shall cause to be published notices pursuant to I.C. 5-1-11 and I.C. 5-3-1. A notice of sale may also be published one time in The Indianapolis Commercial, and a notice or summary notice may also be published in The Bond Buyer in New York, New York. The bond sale notice shall state either the time and place of sale or the manner in which the Bonds shall be sold and shall state the character and amount of the Bonds, the denominations of the Bonds, the dates of maturity of the Bonds, the maximum rate of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller or the Clerk and the attorneys employed by the City shall deem advisable and any summary notice may contain any information deemed so advisable. Said notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check in the amount of Fifty Thousand Dollars (\$50,000) to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of the Bonds and pay for the same as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then said check

and the proceeds thereof shall be the property of the City and shall be considered as its liquidated damages on account of such default; that bidders for the Bonds will be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth ( $1/8$ ) or one-tenth ( $1/10$ ) of one percent (1%). No conditional bids will be considered. The opinion of Squire, Sanders & Dempsey, bond counsel of Columbus, Ohio, approving the legality of the Bonds, will be furnished to the purchaser at the expense of the City.

The Bonds shall be awarded by the City Controller to the bidder offering the lowest interest cost who has submitted his bid in accordance with the terms of this Bond Ordinance and the notice of sale. The lowest interest cost will be determined by computing the total interest on all of the Bonds from their date to their date of maturity and deducting therefrom the premium bid, if any, or adding thereto the amount of any discount, if any. If no acceptable bid is received at the time fixed for sale of the Bonds, then the sale may be continued from day to day for a period not to exceed thirty (30) days without readvertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for the sale in the bond sale notice. The acceptability of a bid shall be within the sole discretion of the City.

The Mayor and the City Controller, and either of them, are directed to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of the Bonds to the purchaser to the extent not provided for herein. Said officers are further directed to take all steps necessary to effect due authentication, delivery and perfection of the security of the Bonds under the terms hereof. It is hereby determined that the Purchase Price and the manner of sale and the terms of the Bonds, as provided in this Bond Ordinance, are consistent with all legal requirements and will carry out the public purposes specified in the Sewer Act.

Section 11. The accrued interest and premium received at the time of the delivery of the Bonds, if any, shall be deposited in the Sewage Works Sinking Fund (the "Sewage Works Sinking Fund") heretofore created by Ordinance No. 1939, adopted July 26, 1938 and continued by the ordinances authorizing the issuance of the Outstanding Bonds. Bond proceeds in the amount of \$570,000 will be deposited, pursuant to the advice of the City's financial advisor that such funding is a necessary expense of financing the works under I.C. 36-9-23-11 and the inclusion of that funding in the engineer's estimate of the cost of the works, in a separate account (the "Sewage Works Reserve Account") in the Sewage Works Sinking Fund, which sum will be held as a debt service reserve therein and credited to the City's obligation thereunder to accumulate net revenues therein as a margin of safety. Said financial advisor has also advised the City that such reserve is reasonably required in order to enhance the marketability of the Bonds and that, without this reserve, the Bonds would be unmarketable or the interest rate demanded by investors would affect the economic feasibility of the project. To the extent that the amount in the Sewage Works Reserve Account applicable to the Bonds exceeds the Sewage Works Reserve Requirement for the Bonds, such excess may be transferred to the Sewage Works Operation and Maintenance Fund or, if the Sewage Works Operation and Maintenance Fund is funded in accordance with the requirements of Section 13 hereof, to the Sewage Works Improvement Fund. The remaining proceeds from the sale of the Bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as "City of Fort Wayne, 1986 Sewage Works Construction Fund" (the "1986 Sewage Works Construction Fund"). All funds deposited to the credit of said Sewage Works Sinking Fund or 1986 Sewage Works Construction Fund shall be deposited, held, secured or invested in Eligible Investments and



in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly I.C. 5-13-1, and the acts amendatory thereof and supplemental thereto; provided that any investment of monies in the Sewage Works Sinking Fund (other than the Sewage Works Reserve Account) shall mature on or before the time the monies will be required to pay any debt service; provided, further, that all amounts representing accrued and capitalized interest shall be held by the City, pledged solely to the payment of interest and invested only in Government Obligations. In computing the amount in any fund or account, investments shall be valued at the market value of such obligations, exclusive of accrued interest. With respect to all funds and accounts, valuation shall occur semi-annually and immediately upon a withdrawal from the Sewage Works Reserve Account. If amounts on deposit in the Sewage Works Reserve Account shall, at any time, be less than the applicable requirement set forth in Section 12 hereof, such deficiency shall be made up over a twelve (12) month period. The depository or depositories for said Sewage Works Sinking Fund and 1986 Sewage Works Construction Fund shall be a bank which shall be a member of the Federal Reserve System and of the Federal Deposit Insurance Corporation, or like organizations having similar powers and duties. The funds in said special account or accounts shall be expended only for the purpose of paying the cost of the sewage works, as defined in I.C. 36-9-1-8 and 36-9-23, or as otherwise required by the Sewer Act, for funding a debt reserve in the amount of \$570,000 or for the expenses of issuance of the Bonds. The cost of obtaining the opinion the Squire, Sanders & Dempsey shall be considered as a part of the cost of the project on account of which the Bonds are issued, and shall be paid out of the proceeds of the Bonds or out of the revenues of the sewage works.

The Common Council authorizes the issuance of the Bonds with a municipal bond insurance company if the City Controller, acting on the advice of the City's financial consultant, finds such insurance advisable and a necessary expense of financing the sewage works. The cost of obtaining said insurance shall be considered as a part of the cost of the project on account of which the Bonds are issued, and shall be paid out of the proceeds of the Bonds or out of other funds of the sewage works.

The City hereby covenants that it will restrict, and take such actions as are reasonably necessary to restrict, the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of the delivery of and payment for the Bonds, so that the Bonds will not constitute arbitrage bonds under Section 103(c) of the Internal Revenue Code and the applicable income tax regulations under that Section. The City Controller of the City or any other officer having responsibility for issuing the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee or consultant of the City, to give an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of all such proceeds and the facts and estimates on which they are based, all as of the date of delivery of and payment for the Bonds. The City Clerk of the City shall furnish to the original purchaser a true transcript, certified by the City Clerk of the City, of all proceedings had with reference to the issuance of the Bonds along with such other information from the records of the City as is necessary to determine the regularity and validity of the issuance of the Bonds.

The City covenants that it will take all actions that may be required of the City for the interest on the Bonds to be and remain exempt from federal income tax, and will not take any actions which would adversely affect such exemption, under the provisions of federal tax laws that apply to the Bonds, and also under the provisions of H.R. 3838, as passed by the U.S. House of Representatives on December 17, 1985, but with the

effective date stated for certain provisions thereof listed in the March 14, 1986 Joint Statement by the chairmen and ranking minority members of the House Committee on Ways and Means and the Senate Committee on Finance and the Secretary of the Treasury, until and unless, and except to the extent, with respect to H.R. 3838, the City obtains a written opinion of nationally recognized bond counsel that this covenant, as it pertains to H.R. 3838, need not be complied with in order for the interest on the Bonds to continue to be exempt from federal income taxation; and the City Controller and other appropriate officers are hereby authorized to take such actions and give such certifications as may be appropriate to assure such tax exemption of the interest.

Any balance or balances remaining unexpended in the 1986 Sewage Works Construction Fund after completion and acquisition of the works and the payment of all issuance expenses for the Bonds which are not required to meet unpaid obligations incurred in connection with such construction, acquisition and issuance, shall be paid into the Sewage Works Sinking Fund and shall be used solely for the purposes of said fund.

Section 12. The special fund designated "Sewage Works Sinking Fund" created by Ordinance No. 1939, adopted on July 26, 1938, and continued for the payment of the Outstanding Bonds, is hereby designated as the special fund for the payment of the interest on and principal of the Bonds authorized by this Bond Ordinance and the payment of any fiscal agency charges in connection with the payment of the Bonds and interest thereon. The Sewage Works Sinking Fund shall be continued until all of the bonds issued under said prior ordinances and this Bond Ordinance have been paid. There shall be set aside and paid into the Sewage Works Sinking Fund three business days prior to the first day of each calendar month, as available, or more often if necessary, a sufficient amount of the net revenues of said sewage works for the payment of (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due; provided, however, that credit shall be given for interest payable on any Refunded Bonds, so long as sufficient funds are available under the Escrow Agreement for the payment thereof, (b) the necessary fiscal agency charges for paying said bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works as they fall due; provided, however, that credit shall be given for principal payable on any Refunded Bonds, so long as sufficient funds are available under the Escrow Agreement for the payment thereof, (d) an additional amount as a margin of safety, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal not less than ten percent (10%) of all other amounts so required to be paid into the Sewage Works Sinking Fund and (e) any amounts necessary to maintain a balance in the Sewage Works Reserve Account equal to the Sewage Works Reserve Requirement. The term "net revenues" as used in this Section shall be construed to mean the gross revenues for any calendar year after deduction only for the reasonable cost of operation, maintenance and repair. The monthly payments into the Sewage Works Sinking Fund shall be in an amount equal to at least one-twelfth (1/12) of the amount required for such payments during the then next succeeding twelve (12) calendar months and shall continue until such time as the Sewage Works Sinking Fund shall contain an amount sufficient to pay all of the bonds then outstanding, together with the interest thereon to the dates of maturity thereof. In addition to said required monthly payments into the Sewage Works Sinking Fund, all of the net revenues of said sewage works not used in making said required sinking fund payments shall be set aside and paid into the Sewage Works Sinking Fund monthly, as available, until there has been accumulated in the Sewage Works Sinking Fund, over and above said required payments but including the funded reserves and investment income thereon, an amount equal to the sum of the principal of and interest on all then outstanding bonds which will be payable during the then next succeeding twelve (12) calendar months. The Sewage Works Sinking

Fund shall be maintained at such levels, and additional amounts of net revenues shall be deposited in the Sewage Works Sinking Fund to the extent necessary to maintain such levels.

In no event shall any part of the Sewage Works Sinking Fund be used in purchasing bonds, except to the extent that the amount then in the Sewage Works Sinking Fund (other than the Sewage Works Reserve Account) exceeds the amount required to pay the principal of the bonds payable therefrom which will mature within a period of twelve (12) calendar months next following the date of such purchase, together with all interest on the bonds payable. Any such excess of funds above said required levels may be used in purchasing outstanding bonds at a price less than the applicable price at maturity, if first approved by the Board of Public Works and Safety. Moneys in the Sewage Works Sinking Fund shall not be used for any other purpose whatsoever except as provided in this Bond Ordinance.

If the City shall, for any reason, fail to pay into the Sewage Works Sinking Fund the full amount and at the respective times above stipulated, then an amount equivalent to such deficiency shall be set apart and paid into the Sewage Works Sinking Fund from the first available revenues and the same shall be in addition to the minimum amounts otherwise herein provided to be so set apart and paid.

Withdrawals shall be made from the Sewage Works Sinking Fund and remitted to the places of payment of the interest and principal to meet such payments when due.

The Sewage Works Sinking Fund, as aforesaid, shall be used solely and only and is hereby pledged for the purpose of paying principal of and interest on the bonds which by their terms are payable from said funds. Upon the delivery of said bonds and the receipt of the proceeds, all sums received as accrued interest and premium, if any, shall be placed in the Sewage Works Sinking Fund.

Section 13. In the event that all required payments into the Sewage Works Sinking Fund have been met to date and there has been accumulated as a reserve in said Sewage Works Sinking Fund, including the bond proceeds deposited, over and above said payments, an amount equal to the respective sums required by Section 12, and there has been accumulated an amount in a separate fund (the "Sewage Works Operation and Maintenance Fund") sufficient for operation, repair and maintenance of the work for the then next succeeding twelve (12) calendar months, and for depreciation, then any excess revenues of the works available may be placed in the Sewage Works Improvement Fund (the "Sewage Works Improvement Fund"). Moneys in the Sewage Works Improvement Fund may be used to pay the costs of improvements, betterments, extensions, enlargements and additions to the works. No revenues of the works shall be deposited in or credited to the Sewage Works Improvement Fund which will interfere with the requirements of the Sewage Works Sinking Fund, the accumulation of the required reserve therein, or with the requirements as to reserving funds for the operation, maintenance and repair of the works and for depreciation. All or any portion of the funds accumulated and reserved for operation, repair and maintenance for the then next succeeding twelve (12) calendar months in the Sewage Works Operation and Maintenance Fund shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the bonds payable from the Sewage Works Sinking Fund.

Section 14. All revenues received on account of the sewage works shall be segregated and kept in a special fund separate and apart from all other funds of the City. Out of this fund the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid and the requirements of the Sewage Works Sinking Fund shall be



met. The City shall keep proper records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made and showing (i) all revenues collected from said works and deposited in said fund, (ii) all disbursements made therefrom on account of the operation of the works, and to meet the requirements of the Sewage Works Sinking Fund, (iii) all other financial transactions relating to said works, including the amounts set aside or credited to the Sewage Works Sinking Fund, the Sewage Works Operation and Maintenance Fund and the Sewage Works Improvement Fund, and (iv) the cash balance in each of said funds as of the close of the preceding fiscal year. There shall be prepared and furnished, upon written request, to the original purchaser of the Bonds, and to any Holder of the Bonds at the time then outstanding, not more than ninety (90) days after the close of each fiscal year, income and expense and balance sheet statements of the works, covering the preceding fiscal year, which annual statements shall be certified by the City Controller, or the person charged with the duty of auditing the books and records relating to said works, or by licensed independent public accountants employed for that purpose. Copies of all such statements and reports shall be kept on file in the office of the City Controller. Any Holder or Holders of the Bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

Section 15. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewerage system of the City, or that in any way uses or is served by such works; that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the works, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by the Sewer Act and this Bond Ordinance; and that such rates or charges shall be sufficient in each year to produce net revenues, as defined in Section 12 of this Bond Ordinance, equal to 1.1 times the greater of the average annual debt service on the Bonds and all bonds on a parity therewith or the debt service payable during the next succeeding twelve calendar months on the Bonds and all bonds on a parity therewith. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, depreciation and the requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof, and shall be paid semi-annually by the City or the various departments thereof as the charges accrue.

Section 16. Bonds shall be deemed to have been paid and discharged and shall not longer be deemed outstanding or entitled to the pledge of the net revenues of the City's sewage works if:

- (1) There shall be held in trust for and irrevocably committed therein, sufficient moneys, or
- (2) There shall be held in trust for and irrevocably committed thereto, non-callable direct obligations of the United States of America certified by an independent public accounting firm of national reputation to be of such maturities or redemption dates and interest payment dates and to bear

such interest as will be sufficient, without further investment or re-investment of either the principal amount thereof or the interest earnings therefrom (which are likewise to be held in trust and committed, except as hereinafter provided), together with moneys referred to in clause (1),

for the payment, at the maturity date of those Bonds, of the principal thereof, together with the interest thereon accrued to the date of maturity, or if default in that payment shall have occurred on that date then to the date of the tender of that payment.

Any moneys held in accordance with the provisions of this Section shall be invested, upon written direction of the City, only in noncallable direct obligations of the United States of America, the maturities or redemption dates of which, at the option of the Holder, shall, to the extent necessary to comply with clause (2) above, coincide as nearly as practicable with, but not later than, the time or times at which those moneys will be required for the aforesaid purposes. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent certified from time to time by an independent public accounting firm of national reputation to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of that determination to the City free of any trust or lien.

If the Bonds shall be deemed paid and discharged pursuant to this Section, then within 15 days after such Bonds are so deemed paid and discharged the City shall cause a written notice to be given to each Holder as shown on the Register on the date on which such Bonds are deemed paid and discharged. Such notice shall state that all Bonds are deemed paid and discharged, set forth a description of the obligations held pursuant to clause (2) of the first paragraph of this Section.

Section 17. The City covenants that it will not issue any more bonds on a parity with the Refunded Bonds and that it will not issue any variable rate bonds on a parity with the Refunding Bonds or, so long as the Bonds are outstanding, any bonds on a parity with the Refunding Bonds. The City reserves the right, however, to authorize and issue additional bonds, payable out of the revenues of its sewage works, ranking on a parity with the Bonds authorized by this Bond Ordinance, for the purpose of financing the cost of future additions, extensions and improvements to the sewage works, subject to the following conditions:

- (a) The interest on and principal of all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof.
- (b) As of the date of issuance of such additional bonds, the balance in the Sewage Works Sinking Fund shall equal not less than the Sewage Works Reserve Requirement calculated to include principal and interest requirements on the Bonds, any then outstanding parity bonds and the additional parity bonds proposed to be issued.
- (c) The net revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the Bonds authorized by this Bond Ordinance shall be not less than one hundred twenty percent (120%) of the maximum annual interest and principal requirements of the then outstanding Bonds, any then outstanding parity bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the sewage rates and charges shall be increased sufficiently so that said increased rates and charges applied to

the previous fiscal year's operations would have produced net operating revenues for said year equal to not less than one hundred twenty percent (120%) of the maximum annual interest and principal requirements of the then outstanding Bonds, any then outstanding parity bonds and the additional parity bonds proposed to be issued; provided, however, that in any year in which the final maturity of a series of bonds occurs, annual interest and principal requirements may be reduced for the purposes of this subsection by the balance in the Sewage Works Reserve Account allocable thereto. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by a certified public accountant employed by the City for that purpose, who shall certify that he has no pecuniary interest in said additions, extensions or improvements or the financing thereof in any way whatsoever other than to analyze the records of said sewage works and to prepare said showings.

- (d) The principal of said additional parity bonds shall be payable on January 1 and the interest on said additional parity bonds shall be payable semi-annually on January 1 and July 1 in the years in which such principal and interest are payable.
- (e) Any term bonds issued on a parity with the Bonds shall have sinking fund amortization such that the principal and interest due on the Bonds, any then outstanding parity bonds and the additional parity bonds proposed to be issued is substantially level over the term of all such parity bonds.

Section 18. For the purpose of further safeguarding the interests of the Holders of the Bonds herein authorized, it is specifically provided as follows:

- (a) All contracts let or hereafter to be let by the City in connection with the construction of any additions and improvements to the sewage works shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of such contracts, to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employers liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.
- (b) Any additions and improvements shall be constructed under the supervision of the City's engineers. All estimates for work done or material furnished shall first be checked by the engineers and approved by the City.
- (c) The City shall at all times maintain its sewage works in good condition and operate the same in an efficient manner and at a reasonable cost.
- (d) So long as any of the Bonds herein authorized are outstanding, the City shall maintain insurance on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of



the State of Indiana. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged; or if not used for that purpose shall be treated and applied as net revenues of the works.

- (e) So long as any of the Bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except replaced equipment which may become worn out or obsolete.
- (f) Except as hereinbefore provided in Section 17 hereof, so long as any of the Bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed, or issued by the City except such as shall be made subordinate and junior in all respects to the Bonds herein authorized, unless all of the Bonds herein authorized are retired or defeased pursuant to Section 16 hereof coincidentally with the delivery of such additional bonds or other obligations.
- (g) The City shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The City shall, insofar as possible, cause all such sanitary sewers to be connected with said sewage works.
- (h) The provisions of this Bond Ordinance shall constitute a contract by and between the City of Fort Wayne and the Holders of the Bonds herein authorized, and after the issuance of the Bonds, this Bond Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the Holders of the Bonds, nor shall the Common Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such Holders so long as any of the Bonds or the interest thereon remain unpaid. Nothing in Section 19 hereof shall be construed as violating this provision.
- (i) The provisions of this Bond Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds authorized for the uses and purposes herein set forth, and the Holders of the Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Bond Ordinance and of the Sewer Act. The provisions of this Bond Ordinance shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Sewage Works Sinking Fund for the uses and purposes of said fund as in this Bond Ordinance set forth. The Holders of the Bonds shall have all of the rights, remedies and privileges set forth in the provisions of the Sewer Act hereinbefore referred to, including the right to have a receiver appointed to administer said sewage works, in the event of default in the payment of the principal of or interest on any of the Bonds herein authorized or in the event of default in respect to any of the provisions of this Bond Ordinance or the Sewer Act.

Section 19. Subject to the terms and conditions contained in this Section, and otherwise, the Holders of not less than sixty-six and two-thirds per cent (66-2/3) aggregate principal amount of the Bonds issued pursuant to this Bond Ordinance and outstanding shall have the right, from time to time, anything contained in this

Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Bond Ordinance, or in any supplemental ordinance; provided, however, that nothing contained herein shall permit or be construed as permitting:

- (a) An extension of the maturity of the principal of or interest on any Bond issued pursuant to this Bond Ordinance; or
- (b) A reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon; or
- (c) The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this Bond Ordinance; or
- (d) A preference or priority of any Bond or Bonds issued pursuant to this Bond Ordinance over any other Bond or Bonds issued pursuant to the provisions of this Bond Ordinance; or
- (e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance.

The Holders of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk of the City. No Holder of any Bond issued pursuant to this Bond Ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this Bond Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Bond Ordinance of the City and all Holders of Bonds issued pursuant to the provisions of this Bond Ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this Bond Ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this Bond Ordinance, the rights and obligations of the City and of the Holders of the Bonds authorized by this Bond Ordinance, and the terms and provisions of the Bonds and this Bond Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the Holders of all the Bonds issued pursuant to this Bond Ordinance then outstanding.

Section 20. The Mayor and the City Controller of the City are each hereby authorized and directed to complete and execute, on behalf of the City and in their official capacities, a Bond Registrar Agreement, between the City and the Registrar, substantially in the form presented to the Common Council but containing such provisions and with such modifications, changes and supplements as are necessary or desirable for the purposes thereof as such officers shall approve.

If in the judgment of the Mayor and the City Controller a disclosure document in the form of an official statement is appropriate or necessary in connection with the original issuance of the Bonds, each or both of those officers in their official capacities are authorized to prepare or cause to be prepared on behalf of the City an official statement and any necessary supplements thereto, and on behalf of the City to use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds, and to sign on behalf of the City and in their official capacities, that official statement and any supplements thereto approved by those officers. Those officers are each authorized to sign and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the official statement and any supplements thereto as may, in their judgment, be necessary or appropriate.

Section 21. The sewage works rates and charges will be established pursuant to a separate ordinance of this Common Council to be passed at approximately the same time as this Bond Ordinance.

Section 22. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this Bond Ordinance shall not be deemed in any way to repeal, amend, alter or modify the ordinances authorizing the issuance of the Outstanding Bonds, nor be construed as adversely affecting the rights of the holders of the aforementioned Outstanding Bonds.

Section 23. This Bond Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

/s/ Mark E. GiaQuinta  
Councilman

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Ordinance No. S-114-86 on the 22nd day of July, 1986

ATTEST:

(SEAL)

/s/ Sandra R. Kennedy  
CITY CLERK

/s/ Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

/s/ Sandra E. Kennedy  
CITY CLERK



Approved and signed by me this 23rd day of July, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

/s/ Winfield C. Moses  
MAYOR

EXHIBIT A

(FORM OF FACE OF BOND)

UNITED STATES OF AMERICA

State of Indiana

County of Allen

REGISTERED

REGISTERED

No. \_\_\_\_\_

\$

CITY OF FORT WAYNE  
SEWAGE WORKS REVENUE BOND OF 1986

Interest Rate:  
\_\_\_\_\_% per annum

Maturity Date:  
\_\_\_\_\_

Dated as of:  
\_\_\_\_\_

CUSIP:  
\_\_\_\_\_

Registered Owner:

Principal Amount:

The City of Fort Wayne (the "City"), in Allen County, State of Indiana, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Amount specified above on the aforesaid Maturity Date, and to pay from that special revenue fund interest thereon at the aforesaid Interest Rate on the first days of January and July in each year (the "Interest Payment Dates") commencing July 1, 1987, until the Principal Amount is paid or duly provided for. This Bond will bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from its date.

The principal of and any premium on this Bond are payable upon presentation and surrender hereof at the principal office of the Paying Agent, presently \_\_\_\_\_ (the "Paying Agent"). Interest is payable on each Interest Payment Date by check or draft mailed to the person in whose name this Bond (or one or more predecessor bonds) is registered (the "Holder") at the close of business on the 15th business day of the calendar month next preceding that Interest Payment Date (the "Regular Record Date") on the registration books for this issue maintained by \_\_\_\_\_, as Registrar (the "Registrar"), at the address appearing therein. Any interest which is not timely paid or duly provided for shall cease to be payable to the Holder hereof (or of one or more predecessor bonds) as of the Regular Record Date, and shall be payable to the Holder hereof (or of one or more predecessor bonds) at the close of business on a Special Record

Date to be fixed by the Registrar for the payment of that overdue interest. Notice of the Special Record Date shall be mailed to Holders not less than ten days prior thereto. The principal of and interest on this Bond are payable in lawful money on the United States of America, without deduction for the services of the Paying Agent.

This Bond is one of an authorized issue of Sewage Works Revenue Bonds of 1986 (the "Bonds") of the City of Fort Wayne, of like date, tenor and effect, except as to numbering, interest rates, and dates of maturity, in the total principal amount of Five Million Seven Hundred Thousand Dollars (\$5,700,000), issued for the purpose of providing funds to be applied to the cost of additions and improvements to, and equipment for, the City's sewage works, including the funding of a debt reserve in the amount of \$570,000 and the cost of issuance, as authorized by an ordinance (the "Bond Ordinance") adopted by the Common Council of the City of Fort Wayne on the 22nd day of July, 1986, entitled "An Ordinance concerning the construction of additions and improvements to, and the acquisition of equipment for, the sewage works of the City of Fort Wayne, the issuance of junior revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said junior revenue bonds, and other matters connected therewith and for repealing ordinances inconsistent therewith" and in strict compliance with the provisions of I.C. 36-9-23 (the "Sewer Act").

This Bond shall not be entitled to any benefit under the Bond Ordinance or become valid or obligatory for any purpose until the certificate of authentication hereon shall have been signed by the Registrar.

REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE SIDE. THOSE PROVISIONS SHALL HAVE THE SAME EFFECT FOR ALL PURPOSES AS IF SET FORTH HERE.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this Bond have been done and performed in regular and due form as provided by law.

Date of Registra- tion and Authenti- cation:  _____	This Bond is one of the Bonds des- cribed in the with- in mentioned Bond Ordinance.	Registrable at:	IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, State of Indiana, has caused this Bond to be executed in its corporate name by the manual or facsimile signature of the Mayor of the City, counter- signed by the manual or facsimile signature of the City Controller, its corporate seal to be hereunto affixed, manu- ally, or imprinted or impressed thereon by
	_____ _____ _____ Registrar	Payable by:	
	By: _____ Authorized officer		

facsimile or by any other means, and attested manually or by facsimile by its Clerk as of the \_\_\_\_\_ day of \_\_\_\_\_, 1986.

CITY OF FORT WAYNE,  
INDIANA

By (facsimile)  
Mayor

Attest:

Countersigned:

(facsimile)  
Clerk

(facsimile)  
City Controller

(FACSIMILE OF SEAL)

(FORM OF REVERSE SIDE OF BOND)

Reference is hereby made to the Bond Ordinance for a more complete description of the nature and extent of the security for the Bonds, the rights, duties and obligations of the Holders, the Registrar, the Paying Agent and the City, and the terms and conditions upon which the Bonds are issued and secured, to all of the provisions of which Bond Ordinance each Holder, by the acceptance hereof, assents. A copy of the Bond Ordinance is on file in the office of the Clerk of the City.

Pursuant to the provisions of the Sewer Act and the Bond Ordinance, the principal and interest of this Bond and all other Bonds of said issue, and any bonds ranking on a parity therewith, are payable solely from moneys held in the Sewage Works Sinking Fund heretofore created by ordinance No. 1939, adopted July 26, 1938 (the "Sewage Works Sinking Fund") to be provided from the net revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the sewage works of the City of Fort Wayne, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired; subject, however, to the prior payment from the Sewage Works Sinking Fund of the principal and interest on the City's Sewage Works Improvement Revenue Bonds, dated November 1, 1959, now outstanding in the amount of Six Hundred Forty Thousand Dollars (\$640,000), the City's Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, now outstanding in the amount of Nine Hundred Thirty Thousand Dollars (\$930,000), the City's Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970, now outstanding in the amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000), the City's Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1985, now outstanding



in the amount of Five Million Two Hundred Eighty-Five Thousand Dollars (\$5,285,000), the City's Sewage Works Revenue Bonds of 1982, dated July 1, 1982, now outstanding in the amount of Three Million Four Hundred Thousand Dollars (\$3,400,000), the City's Sewer Connection Revenue Bonds of 1982, dated July 1, 1982, now outstanding in the amount of Three Million Nine Hundred Forty Thousand Dollars (\$3,940,000) (collectively, the "Refunded Bonds"), and the City's Sewer Works Revenue Refunding Bonds, initially dated as of December 18, 1985, in the original principal amount of \$18,096,275.15 (the "Refunding Bonds"; collectively with the Refunded Bonds, the "Outstanding Bonds"). The Refunded Bonds are of equal priority and are payable annually over a period ending on August 1, 2000 and the Refunding Bonds are junior only to the Refunded Bonds and are payable annually over a period ending on August 1, 2005. This Bond shall not constitute an indebtedness of the City of Fort Wayne within the meaning of the provisions and limitations of the constitution or statutes of the State of Indiana, and the City shall not be obligated to pay this Bond or the interest thereon except from said special fund provided from said net revenues.

Subject to the prior servicing of the Outstanding Bonds, the City of Fort Wayne irrevocably pledges the entire net revenues of said sewage works to the prompt payment of the principal of and interest on the Bonds authorized by the Bond Ordinance, of which this is one, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, to provide for proper depreciation, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund under the provisions of the Sewer Act and the Bond Ordinance. In the event the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this Bond, the Holder of this Bond shall have all of the rights and remedies provided for in the Sewer Act and the acts amendatory thereof and supplemental thereto, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this Bond and the interest hereon.

The City of Fort Wayne further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the net revenues of said works to meet (a) the interest on all bonds payable from the revenues of said sewage works, as such interest shall fall due; provided, however, that credit shall be given for interest payable on any Refunded Bonds, so long as sufficient funds are available under the Escrow Agreement (as defined in the Bond Ordinance) for the payment thereof, (b) the necessary fiscal agency charges for paying said bonds and interest, (c) the principal of all bonds payable from the revenues of said sewage works, as such principal shall fall due; provided, however, that credit shall be given for principal payable on any Refunded Bonds, so long as sufficient funds are available under the Escrow Agreement for the payment thereof, and (d) an additional amount as a margin of safety, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal not less than ten percent (10%) of all other amounts so required to be paid into the Sewage Works Sinking Fund together with (e) other sums to be held as reserves as provided in the Bond Ordinance. Such required payments

shall constitute a charge upon all the net revenues of said works; subject, however, to the prior payment from the Sewage Works Sinking Fund of the principal and interest on the Outstanding Bonds.

If any Bond shall not be presented for payment of principal on the date fixed therefor, or in the event any check or draft for interest on any Bond is uncashed, the City may deposit in trust with the Registrar an amount sufficient to pay the principal then due of that Bond or such check or draft, as the case may be, and thereafter the Holder shall look only to the funds so deposited in trust with the Registrar for payment and the City shall have no further obligation or liability in respect thereto.

Subject to provisions for registration, this Bond and all other Bonds of said issue shall have all the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

The Bonds maturing on or after January 1, 1997 are subject to optional redemption prior to stated maturity, pursuant to first class mailed notice thereof given 30 days prior to the redemption date, at the direction of the City either in whole or in part in integral multiples of \$5,000 on any Interest Payment Date, commencing July 1, 1996, at the redemption price of 102% of the principal amount redeemed.

If less than all of the Outstanding Bonds are called for redemption at one time, they shall be called in inverse order of the maturities of the Bonds outstanding, and if less than all Bonds of a single maturity are to be redeemed, the selection of Bonds or portions thereof to be redeemed shall be made by lot by the Paying Agent in any manner selected by it. If Bonds or portions thereof are called for redemption and if on the redemption date moneys for the redemption thereof, together with interest thereon accrued to that date, are held by the Paying Agent and available therefor, then from and after that date the Bonds or portions thereof called for redemption shall cease to bear interest, and shall cease to be secured by, and shall not be deemed to be outstanding under, the Bond Ordinance.

To the extent and in the manner permitted by the terms of the Bond Ordinance, any of the terms or provisions contained in the Bond Ordinance, or in any supplemental ordinance, may be modified, altered, amended, added to or rescinded by the adoption by the City of such ordinance or ordinances supplemental to the Bond Ordinance as are deemed necessary or desirable by the City with the consent of the Holders of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the then Outstanding Bonds. No such action shall result in (i) an extension of the maturity of the principal of or interest on any Bond, (ii) a reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon, (iii) the creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by the Bond Ordinance, (iv) a preference or priority of any Bond or Bonds over any other Bond or Bonds, or (v) a reduction in the aggregate principal amount of the Bonds required for consent to a supplemental ordinance.

The Bonds are issuable only as fully registered bonds in the principal amounts of \$5,000 or any integral multiple thereof (an "Authorized Denomination"). The Bonds are exchangeable for Bonds of other Authorized De-

nominations in equal aggregate principal amounts at the office of the Registrar but only in the manner and subject to the limitations provided in the Bond Ordinance. This Bond is transferable at the office of the Registrar, by the Holder in person or by his attorney duly authorized in writing, upon presentation and surrender hereof to the Registrar. The Registrar is not required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing or (ii) any Bonds so selected for redemption in whole or in part.

(LEGAL OPINION)

(FORM OF ASSIGNMENT)

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_ the within Bond and irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer that Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

The social security number, taxpayer identification number, or other identifying number of the assignee is to be inserted in the box.

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## CITY DEBT AND TAXATION

	<u>Total Direct Debt</u>	<u>% Applicable</u>	<u>Amount Applicable</u>
<u>Direct Debt</u>			
<u>Civil City</u>			
Municipal Bonds - 1975	\$ 1,190,000	100.0	\$ 1,190,000
- 1982	2,830,000	100.0	<u>2,830,000</u>
Total Direct Debt			<u>4,020,000</u>
Municipal Bonds of 1986 - Proposed to be Issued			<u>4,480,000</u>
 <u>Overlapping Debt</u>			
Park District	5,440,000	100.0	5,440,000
School District	1,760,000	73.1	1,286,560
Redevelopment Commission	11,715,000	100.0	11,715,000
Library District	4,620,000	52.5	2,425,500
Public Transportation Corp.	2,860,000	69.3	1,981,980
Allen County	11,480,000	52.1	5,981,080
Fort Wayne/Allen County Airport	1,700,000	52.1	<u>885,700</u>
Total Overlapping Debt			<u>29,715,820</u>
Total Direct & Overlapping Debt (As of July 2, 1986)			\$ <u>38,215,820</u>
Tax Anticipation Time Warrants - Issued in January 1986			\$ <u>11,800,000</u>
(Warrants mature on December 31, 1986 and by statutory definition the 2% limitation does not apply to debt of less than one year.)			

### Direct Debt Issuance Limitation (1)

The Civil City is limited to the issuance of direct debt not to exceed 2% of the assessed valuation of property within said Civil City.

Total Assessed Valuation - 1985/86	\$ 800,776,870
2% Thereof	\$ 16,015,537
Present & Proposed General Obligation Bonds - subject to limitation	<u>8,500,000</u>
Issuance Margin	\$ <u>7,515,537</u>

(1) Revenue bonds of the City now outstanding and offered herein do not constitute general obligations of the City subject to the foregoing issuance limitation.

### Per Capita Debt Analysis

Population - Special Census - 1980	172,196
Assessed Valuation (1985/86)	\$ 800,776,870
Direct Debt and Overlapping Debt	\$ 38,215,820
Debt Per Capita	\$ 222
Assessed Valuation Per Capita	\$ 4,650
Ratio of Debt to Assessed Valuation	% 4.8

### Statement of City-Owned Utility Debt

The City of Fort Wayne owns and operates water and sewage works utilities which have heretofore issued revenue bonds. These bonds constitute a lien on the revenues of said utilities and are not, pursuant to Indiana statutes, a direct obligation of the City. Revenue bonds issued and outstanding as of January 2, 1986 were as follows:

<u>Utility</u>	<u>Interest Rates</u>	<u>Final Maturity</u>	<u>Bonds Outstanding</u>
Sewage Works - 1985	7.5% - 9.625%	2005	\$ 18,096,275
(1) Water Works - 1967	5%	2000	1,980,000
- 1968	5.5% - 5.4%	2000	2,180,000
- 1978	6% - 6 3/4%	2002	15,375,000
- 1982	10 7/8% - 11%	2002	1,375,000

(1) Subject to advance refunding of all issues on or about August 1, 1986.

In addition, the City leases its electric utility plant under a long-term lease arrangement with a local investor-owned electric utility. The first term of the lease, entered into in 1975, runs through 2009 and requires gross rental payments be made to the City in the period 1986-2009 totaling \$39,090,000.

### Prospective Debt Issues

<u>Issuer</u>	<u>Type of Debt*</u>	<u>Purpose of Issue</u>	<u>Projected Issue Date</u>	<u>Estimated Amount</u>
Water Utility	R-Notes	Utility Improvements	8/1986	\$ 6,215,000
Water Utility	R-Bonds	Refunding Prior Bonds	8/1986	21,838,162
Civil City	GO-Bonds	Street Improvements	8/1986	4,480,000
Redevelopment Commission	R-TIF	Redevelopment Projects	8/1986	Not Available

\*R = Revenue

GO = General Obligation

TIF = Tax Incremental Financing

### Total City Tax Rates (1) (Per \$100 Assessed Valuation)

#### Total Civil City and County Tax Rates (by year of assessment)

<u>City-Township</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
Adams	\$ 8.8609	\$ 9.1276	\$ 9.3074	\$ 9.9032	\$ 9.7630
Pleasant	8.6505	9.0956	9.2974	9.6392	9.7008
St. Joseph	8.6472	9.0913	9.3008	9.6494	9.6990
Washington	8.6587	9.1156	9.3214	9.7104	9.7139
Wayne	8.7790	9.3471	9.5098	10.0584	9.9146

# Analysis of Civil City and County Tax Rate

City - Wayne Township					
	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
State	\$ .0100	\$ .0100	\$ .0100	\$ .0100	\$ .0100
County	1.2139	1.2551	1.3960	1.4730	1.5568
Township	.1385	.2625	.2154	.4250	.2213
Schools	3.7344	3.6594	3.7346	3.9260	3.8721
Library	.2690	.3180	.3214	.3364	.3505
	<u>5.3658</u>	<u>5.5050</u>	<u>5.6774</u>	<u>6.1704</u>	<u>6.0107</u>
City					
General Fund	2.3610	2.5083	2.6162	2.6249	2.5270
Police Pension	.2283	.1710	.1768	.1227	.1797
Fire Pension	.1985	.1507	.1874	.1546	.2167
Sanitary Pension	.0127	.0164	.0153	.0157	.0200
Redevelopment - General	.0111	.0062	.0115	.0141	.0109
Parks	.3707	.3780	.3849	.3959	.3952
Public Transportation					
-General	.1001	.1051	.1110	.1180	.1183
-Bonds	.0410	.0050	.0360	.0380	.0626
Sewer Relief	—	.0614	.0300	.0162	.0224
Civil City Bonds	.0898	.4400	.2633	.3879	.3511
Total Civil City	<u>3.4132</u>	<u>3.8421</u>	<u>3.8324</u>	<u>3.8880</u>	<u>3.9039</u>
Total Civil City and County Tax Rate	\$ <u>8.7790</u>	\$ <u>9.3471</u>	\$ <u>9.5098</u>	\$ <u>10.0584</u>	\$ <u>9.9146</u>

(1) Includes Allen County and overlapping levies, payable in succeeding year. All tax rates exhibited are before deduction of 20% thereof for property tax relief funds provided from State of Indiana tax sources and before deduction for homestead credits.

### Record of Total County Taxes Levied and Collected

<u>Collection Year</u>	<u>Levied</u>	<u>Current Collected</u>	<u>%</u>	<u>Current &amp; Delinquent Collected</u>	<u>%</u>
1979	\$ 86,198,198	\$ 84,972,995	98.6	\$ 86,249,751	100.1
1980	89,278,354	86,826,941	97.2	88,984,295	99.7
1981	96,076,455	93,426,743	97.3	97,080,319	101.0
1982	102,586,877	99,264,123	96.8	103,135,465	100.5
1983	108,404,273	105,405,090	97.2	108,961,255	100.5
1984	114,350,054	111,499,640	97.5	114,714,597	100.3
1985	120,129,716	116,974,330	97.4	121,462,829	101.1

### Assessed Valuation

Assessed valuation of real and personal property represents approximately one-third of true value and is net of exemptions. Reassessment of real estate is undertaken every ten years, as required by statute. This periodic reassessment accounts for the substantial increase in Fort Wayne's assessed value in 1979-1980 as exhibited hereafter.

<u>Assessment Year</u>	<u>Net Assessed Valuation</u>
1974-75	\$ 438,045,450
1975-76	452,073,170
1976-77	462,847,141
1977-78	479,255,355
1978-79	492,772,232
1979-80	665,359,925
1980-81	698,211,770
1981-82	719,460,040
1982-83	728,796,370
1983-84	743,585,630
1984-85	759,036,540
1985-86	800,776,870

Assessed valuation of Allen County for 1985-86 is \$1,460,681,550.



## Largest City and County Taxpayers

<u>Taxpayer</u>	<u>1984-85 Assessed Valuation</u>
General Telephone Company of Indiana	\$ 39,350,660
Indiana & Michigan Electric Company	33,886,540
Dana Corporation	23,321,910
K-Mart (Kreswood Property)	19,842,220
B. F. Goodrich	18,408,560
Northern Indiana Public Service Company	14,656,340
General Electric Company	13,323,290
Lincoln National Corporation	12,860,500
Connecticut General Mortgage Company	11,429,200
Lake County Trust Company	9,424,250
International Harvester	6,879,190
Magnavox Company	6,657,130
Phelps Dodge Corporation	5,819,100
Super Value Stores	5,659,160
Southtown Mall	5,446,410

## City Pension Plans

### Police and Firemen

The City has pension plans pursuant to state statute for the benefit of police and firemen. Plans covering participants prior to 1977 are paid from current tax levies and current employee contributions of 6%. Certain pre-1977 participants, by election subject to a lump sum payment of \$10,000, converted to coverage by Public Employee Retirement Fund (PERF). In either case, the City has undertaken payment only on a pay-as-you-go basis, without advance funding, paying the difference between employee contributions and required current year payments out of current tax levies.

Police and firemen employed after May 1, 1977 are covered by PERF, which plan currently requires contributions of 21% by the City and 6% by the employee.

Both of the foregoing classes of employment have created substantial unfunded liability for the City, as set forth hereafter. In 1985 the City did receive \$2,193,495 from the State of Indiana Pension Relief Fund, a fund to assist all Indiana cities with police and firemen pension costs. Receipts of the Fund are derived from certain state cigarette and liquor taxes. The City cannot estimate if this assistance will continue nor in what amount such funds will be available in future years.

The latest actuarial valuation of police and firemen plans is as of January 1, 1983. It is not believed these actuarial balances will vary materially from current year data when such data is available.

In 1985 the City contributed \$5,816,939 and participants \$467,431 to defray current benefits. As of June 30, 1985 the City had unfunded pension liabilities for police and firemen, net of assets available for plan benefits, based on an assumed 7% rate of return, in the amount of \$134,801,542.

#### Civil City and City Utilities' Employees

All City employees, other than police and firemen, are covered by PERF. City contributions for current periods were 4 1/2% for Civil City personnel and 7 3/4% for City Utilities' employees. In 1985 the City paid \$1,283,161 in such contributions including amortization of unfunded past service costs over 40 years and interest thereon. At June 30, 1985 net assets available for benefits, in the aggregate, exceeded the actuarial present value of accumulated plan benefits, based on an assumed 7 1/2% rate of return.

#### Sanitary Officers

During 1985 the City paid benefits to fifteen retired sanitary officers or beneficiaries in the amount of \$144,299. These are former employees of the City Health Department which is now consolidated with and administered by the Allen County Health Department. No provision is being made to fund prior service costs of these retirees nor is there any actuarial data available to determine minimum funding requirements. The present value of accumulated plan benefits is not deemed by the City to be substantial.

### **Source of Data and Information**

Statistical data and other information set forth under the caption "City Debt and Taxation" have been compiled by the City's financial consultant, Municipal Consultants, Inc., from sources deemed to be reliable.

## DESCRIPTION OF THE CITY

### Location

The City of Fort Wayne is located in northern Indiana, 116 miles northeast of Indianapolis, 154 miles east of Chicago and 156 miles southwest of Detroit. It is the county seat of Allen County.

### Population-Employment

		<u>Fort Wayne</u>	<u>Allen County</u>
Population	1950	133,607	155,085
	1960	161,776	232,192
	1970	178,269	280,455
	1980	172,196	294,335
Employment:	173,000 Employed; 9,600 Unemployed; Work Force of 182,600 (Metro Area); 5.2% Unemployment Rate as of April 1986. Data reported by Indiana Employment Security Division.		

### Taxes

Assessed Valuation: \$800,776,870 for taxes payable in 1986

Property Tax: \$7.93 per \$100 of assessed valuation after property tax credit of 20% (paid by State from sales tax receipts). Household goods are exempt.

Sales & Use Tax: 5% tangible personal property except food and prescription drugs.

Individual Adjusted Gross Income: 3.0% of earnings - \$1,000 annual exemption allowed for taxpayer and each dependent.

State Intangibles Tax: Approximately 4 cents on each \$20.00 of actual value or fraction thereof.

Excise Tax: Cigarettes - 10.5 cents per package. Gasoline - 14 cents per gallon.

Automobile Tax: Excise tax in lieu of personal property tax, based on initial retail price and age of vehicle.

### Education

Public Schools: 55 schools, including 6 senior and 12 junior high schools.

Parochial Schools: 17 Catholic, including 2 senior high schools; 12 Lutheran, including one senior high school.

Colleges/Universities: Indiana-Purdue Regional Campus, St. Francis College, Concordia Theological Seminary, Fort Wayne Bible College, International Business Junior College, Indiana Vocational Technical College, Fort Wayne Art School and Indiana Institute of Technology.

## Transportation

Air Lines: Delta, United, Air Wisconsin, Piedmont, American  
Railroads: ConRail - Norfolk & Southern  
Highways: 1-69; US 24, 27, 30, 33; State Roads 1, 3, 14, 37  
Streets: 655 miles of roadways within corporate limits  
Inter-City Bus: ABC Coach, Indiana Motor Bus, Greyhound  
Motor Carriers: 60 common and contract motor carriers of which 53 have terminals in Fort Wayne  
Intra-City Bus: Fort Wayne Public Transportation Corporation

## Utilities

Electricity: Indiana & Michigan Electric Company  
Gas: Northern Indiana Public Service Company  
Water: City-owned filtration plant. Capacity per day - 72 million gallons, 63,000 users.  
Sewage: City-owned plant designated as a regional water pollution control facility by EPA. New 60 mgd plant completed in 1977. There are presently 67,200 users.  
Telephone: General Telephone Company of Indiana.

## Community Data

Airports: Baer Field - scheduled airlines, private/military flying and Smith Field - private only.  
Altitude: 791 feet above sea level.  
Area: 53 square miles.  
Churches: City of churches - 257 churches virtually representing all denominations.  
City Government: Mayor - Councilman form; 21 wards, 223 precincts in the county; nine council members.  
Climate: 35.80 inches of rainfall annually - mean annual temperature of 50 degrees.  
Fire Protection: 11 stations, 264 men, 55 pieces of equipment. (Class 3 fire insurance rating).  
Police Protection: 287 men and 23 women - 150 pieces of equipment.  
Hospitals: Lutheran, Parkview and St. Joseph with a total of 1,800 beds. VA Hospital located here, plus numerous nursing homes.  
Parks: 76 public parks and playgrounds covering 1,800 acres, including a zoo, floral gardens, tennis courts, swimming pools, golf courses.  
Trucks and Cars: 189,900 registrations in County.  
Recreation: 8 public and 2 club-owned golf courses, 3 indoor tennis clubs, 16 bowling alleys, War Memorial Coliseum seating up to 10,000 for recreational events. Fort Wayne Komets represented in International Hockey League competition, Fort Wayne Sport Club plays in Indiana-Ohio Soccer League. Area Soap Box Derby, 15 movie theaters, 200 lakes in 50 mile radius of City.



Cultural: Fort Wayne Fine Arts Foundation and its various performing groups. "Community Center for the Performing Arts" located downtown. Annual Three Rivers Festival attracts thousands of spectators with over 100 historical events, displays and parades. Reconstructed 1816 "Fort" near downtown. Just recently completed downtown projects include an Art Museum and Botanical Conservatory built from funds provided in large part by local charitable trusts.

Voting Requirements: 18 years of age and 30 day residency requirement in state, township and precinct.

## **Business Data**

Building Permits: In 1985 Allen County issued 1,997 residential building permits with a total value of \$100,633,955.

Financial: As of December 31, 1985 bank deposits in Allen County totalled \$2,652,274,288 with assets reported as \$3,345,507,382.

Hotels-Motels: 32 with more than 2,900 rooms.

Newspapers: Journal-Gazette (D) morning daily and Sunday. News-Sentinel (R) evening daily excluding Sunday. Both located at 600 West Main Street, Fort Wayne, Indiana 46802.

Manufacturers: 375 in county, employing approximately 52,900.

Professions: 126 dentists, 275 lawyers, 326 physicians, 250 clergymen.

Radio & Television: Radio - WPTH, WMEE, WGL, WLYV, WOWO, WEZV, WBLC, WIPU, WXKE, WFWR.

Television - WKJG, WANE, WPTA, WFFT.

Retail: County retail sales over one billion dollars. Retailers are served by Downtown Fort Wayne Association, several shopping center associations, Better Business Bureau and Fort Wayne Credit Bureau.

Wholesalers: Nearly 650 wholesalers account for annual sales of more than \$1.5 billion.

## **Principal Industries**

Principal industries in Fort Wayne are American Hoist & Derrick Co., Fort Wayne Plant; Bowmar Instrument Corp., precision electro-mechanical components; Central Soya Co., Inc., soybean meal and feeds; Crosby Group, Div. of American Hoist & Derrick Co., forged fittings for wire rope and chain; Dana Corp., Fort Wayne Plant, differentials and axles; Peter Eckrich & Sons Inc., Div. Beatrice Foods, meat packers; Essex Group, Inc., Sub. United Technologies, magnet wire, electrical products; Flint & Walling, Inc., Corp. Office, windmills; Freuhauf Corp., Fort Wayne Plant, commercial trailers and vans; General Electric Co., Appliance Component Division (four plants), electric motors, transformers; General Telephone Co. of Indiana, Inc.; ITT Aerospace Optical Div., and Electro-Optical Products Div., electronic equipment; Indiana & Michigan Electric Co.; Fort Wayne Works, heavy duty motor trucks and parts; Joslyn Stainless Steels; Lincoln Manufacturing Co., Inc., food service equipment; Magnavox Consumer Electronics Co., and Government & Industrial Electronics Div. of North America, television, radio-phonograph, industrial and defense electronic equipment; Mobile Aerial Towers, Inc., hydraulic personnel towers; Northern Indiana Public Service Co.; Phelps Dodge Copper Products, Indiana Rod & Wire Mill, roll rod and draw wire, and Phelps Dodge Magnet Wire Co., copper magnet wire; Rea Magnet Wire Co., Inc., sub. of Aluminum Company of America; Tokheim Corp., gasoline pumps; Wayne Candies, Planters/Curtiss Div., Standard Brands, "Bun" candy bars and "Wayne" chocolates; Wayne Home Equipment Co., Inc.,

manufacturers of burners and pumps; and Zollner Corp., heavy duty pistons and castings; and Pines of America, Inc., children's pedal cars and toys.

### **General Motors and City-Owned Utility Future Capacity Requirements**

General Motors Corporation (GM) is in the process of constructing a major light truck assembly plant in southwest Allen County which is now projected to be operating in late 1986. As an inducement for GM to locate the facility in the Fort Wayne area, the City agreed to furnish water and sewage service for this installation.

The City agreed to provide and has subsequently constructed facilities to provide sewage treatment service, water supply and fire protection services at the plant site. A portion of these construction costs have been defrayed by grants to the City from the State of Indiana.

No additional water production or sewage treatment facilities are required to service the truck assembly plant demand, nor does the City expect that additional water and sewer capacity will be required in the foreseeable future.

### **Major Employers**

The recent employment history of major employers in Allen County has been as follows:

	<u>1986</u>	<u>1984</u>	<u>1983</u>	<u>1982</u>	<u>1981</u>
Dana Corporation	1,475	1,640	1,475	1,350	1,650
Essex Group	1,600	1,000	1,600	1,600	1,000
General Electric	3,300	2,900	3,000	3,400	4,525
General Telephone	2,425	2,400	2,425	2,500	2,500
B.F. Goodrich	1,475	1,600	1,475	1,210	1,675
Lincoln National Life Insurance Co.	3,000	4,400	3,200	3,200	3,330
Magnavox	5,175	5,175	5,175	5,100	4,400
North American Van Lines	2,300	1,700	2,300	1,700	1,640
Parkview Memorial Hospital	2,500	2,380	2,500	2,500	2,500
Zollner Corporation	1,042	1,450	1,050	1,050	1,220

NOTE: By 1986 year end General Motors will employ 3,500 at its new truck assembly plant located in southwest Allen County.

### **Source of Data and Information**

Statistical data and other information set forth under this "Description of the City" have been compiled by the City's financial consultant, Municipal Consultants, Inc., from sources deemed to be reliable.

## APPENDIX A

# CITY OF FORT WAYNE

## Municipal Water Pollution Control Utility

### Consultants' Report

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July 15, 1986

Common Council  
City of Fort Wayne  
Fort Wayne, Indiana 46802

In re: Sale and Issuance of \$5,700,000 Sewage Works Revenue Bonds of 1986

Gentlemen and Madam:

Pursuant to our employment as independent financial consultants, we have made certain studies, prepared certain schedules and reports and have undertaken the drafting, publication and distribution of the City's Official Statement in connection with the above-mentioned financing.

The accompanying exhibits, the descriptive matter and financial data contained elsewhere in the Official Statement have been prepared by us without audit and accordingly we express no opinion thereon.

The statements and information relating to the City and its political subdivisions, in our opinion, are true and correct in all material respects. All other data has been obtained from sources which we believe are reliable.

Respectfully submitted,

MUNICIPAL CONSULTANTS, INC.

*D. Jean Killough*  
D. Jean Killough

DJK/tmo  
Enclosures

**Municipal  
Consultants, Inc.**

Suite 1212 -- East Tower  
One Merchants Plaza  
Indianapolis, Indiana 46204  
(317) 635-3442

Suite 112  
235 South Maitland Avenue  
Maitland, Florida 32751  
(305) 644-1068

FORT WAYNE WATER POLLUTION CONTROL UTILITY  
Fort Wayne, Indiana

Comparative Balance Sheets (GAAP Basis)

	<u>Years Ended December 31,</u>	
	<u>1985</u>	<u>1984</u>
ASSETS		
Utility Plant		
Utility Plant in Service	\$ 138,812,220	\$ 138,162,122
Less: Accumulated Depreciation	26,819,490	23,880,390
Net Utility Plant	<u>111,992,730</u>	<u>114,281,732</u>
Construction Work in Progress	<u>6,510,540</u>	<u>1,326,836</u>
Total Utility Plant	<u>118,503,270</u>	<u>115,608,568</u>
Restricted Assets		
Sinking Fund	2,323,144	2,262,459
Construction Account	-0-	-0-
Total Restricted Assets	<u>2,323,144</u>	<u>2,262,459</u>
Current Assets		
Cash & Certificates of Deposit	3,127,969	3,764,758
Accounts Receivable Customers	945,673	688,244
Other City Utilities & Departments	2,108,481	2,347,968
Allowance for Doubtful Accounts	(62,500)	(55,000)
Other Receivables	1,100,000	1,100,000
Unbilled Utility Revenue	501,301	571,026
Materials & Supplies	75,833	69,056
Prepaid Expenses	62,420	32,840
Total Current Assets	<u>7,859,177</u>	<u>8,518,892</u>
Other Assets & Debits		
State & Federal Grants Receivable	901,917	-0-
Assessments Receivable	1,117,265	1,625,001
Other Miscellaneous	<u>1,448,610</u>	<u>187,823</u>
Total Assets	<u>\$ 132,153,383</u>	<u>\$ 128,202,743</u>

FORT WAYNE WATER POLLUTION CONTROL UTILITY  
Fort Wayne, Indiana

## Comparative Balance Sheets (GAAP Basis)

	Years Ended December 31,	
	<u>1985</u>	<u>1984</u>
LIABILITIES & EQUITY		
Equity of Municipality		
Equity of Municipality	\$ 8,642,700	\$ 8,642,700
Contributions In Aid		
of Construction	96,998,866	94,792,779
Retained Earnings	<u>5,197,090</u>	<u>6,436,166</u>
Total Equity of Municipality	<u>110,838,656</u>	<u>109,871,645</u>
<u>Long Term Debt</u>	<u>18,096,275</u>	<u>16,034,552</u>
Current & Accrued Liabilities		
Current Portion Long Term Debt	-0-	599,027
Accounts Payable	372,281	316,410
Payable to Associated Utilities	574,566	578,309
Miscellaneous Accrued Liabilities	221,031	188,330
Accrued Interest Payable	50,574	614,470
Note Payable	<u>2,000,000</u>	<u>-0-</u>
Total Current & Accrued Liabilities	<u>3,218,452</u>	<u>2,296,546</u>
Total Liabilities & Equity	\$ <u><u>132,153,383</u></u>	\$ <u><u>128,202,743</u></u>

FORT WAYNE WATER POLLUTION CONTROL UTILITY  
Fort Wayne, Indiana

Unaudited Comparative Statement of Net Revenues and Coverage

	Year Ended December 31,			
	<u>1985</u>	<u>1984</u>	<u>1983</u>	
<u>Gross Revenues</u>				
Operating Revenues	\$ 7,626,303	\$ 6,957,258	\$ 6,903,470	\$ 6,300,000
Interest Income	761,662	760,834	786,847	800,000
Other Income (1)	<u>541,817</u>	<u>609,467</u>	<u>613,800</u>	<u>600,000</u>
Total Gross Revenues	<u>8,929,782</u>	<u>8,327,559</u>	<u>8,304,117</u>	<u>7,800,000</u>
<u>Operating Revenue Deductions</u>				
Operation & Maintenance	5,402,171	5,543,576	3,863,766	3,900,000
Contributions to Civil City	599,019	548,669	494,474	500,000
Flood Loss	<u>-0-</u>	<u>-0-</u>	<u>16,205</u>	<u>400,000</u>
Total Operating Revenue Deductions	<u>6,001,190</u>	<u>6,092,245</u>	<u>4,374,445</u>	<u>4,800,000</u>
Net Revenues	<u>2,928,592</u>	<u>2,235,314</u>	<u>3,929,672</u>	<u>2,900,000</u>
Debt Service	<u>2,080,506 (2)</u>	<u>2,120,205</u>	<u>2,083,689</u>	<u>1,500,000</u>
Coverage (excess of Net Revenues over Debt Service)	<u>848,086 (2)</u>	<u>115,109</u>	<u>1,845,983</u>	<u>1,400,000</u>
Coverage (Net Revenues divided by Debt Service)	<u>1.408 (2)</u>	<u>1.054</u>	<u>1.886</u>	

- (1) Consists principally of connection fees charged new users for connection to the System. Such fees, for purposes of determining net revenues as defined in the Bond Ordinance, have been reclassified from Contributions in Aid of Construction to the Other Income Account.
- (2) Does not take into account refunding of all outstanding bonds in December 1985.



CITY OF FORT WAYNE  
Fort Wayne, Indiana

\$5,700,000 Sewage Works Junior Revenue Bonds of 1986  
Amortization Schedule  
Maximum Interest Rate - 9%

<u>Period Ended December 31,</u>	<u>Bonds Outstanding</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Annual Requirement</u>
1987	\$ 5,700,000	\$ -0-	\$ 470,250	\$ 470,250
1988	5,700,000	-0-	513,000	513,000
1989	5,700,000	80,000	509,400	589,400
1990	5,620,000	90,000	501,750	591,750
1991	5,530,000	95,000	493,425	588,425
1992	5,435,000	105,000	484,425	589,425
1993	5,330,000	115,000	474,525	589,525
1994	5,215,000	125,000	463,725	588,725
1995	5,090,000	135,000	452,025	587,025
1996	4,955,000	150,000	439,200	589,200
1997	4,805,000	160,000	425,250	585,250
1998	4,645,000	175,000	410,175	585,175
1999	4,470,000	190,000	393,750	583,750
2000	4,280,000	205,000	375,975	580,975
2001	4,075,000	230,000	356,400	586,400
2002	3,845,000	245,000	335,025	580,025
2003	3,600,000	270,000	311,850	581,850
2004	3,330,000	295,000	286,425	581,425
2005	3,035,000	320,000	258,750	578,750
2006	2,715,000	350,000	228,600	578,600
2007	2,365,000	380,000	195,750	575,750
2008	1,985,000	415,000	159,975	574,975
2009	1,570,000	450,000	121,050	571,050
2010	1,120,000	495,000	78,525	573,525
2011	625,000	625,000	28,125	653,125
Total Requirement		\$ <u>5,700,000</u>	\$ <u>8,767,350</u>	\$ <u>14,467,350</u>

CITY OF FORT WAYNE  
Fort Wayne, Indiana

Combined Amortization Schedule  
Sewage Works Revenue Refunding Bonds and  
Sewage Works Junior Revenue Bonds of 1986

Period Ended December 31,	Principal and Interest		Total Requirement
	Refunding Bonds	Bonds of 1986	
1987	\$ -0-	\$ 470,250	\$ 470,250
1988	-0-	513,000	513,000
1989	2,560,000	589,400	3,149,400
1990	2,560,000	591,750	3,151,750
1991	2,560,000	588,425	3,148,425
1992	2,560,000	589,425	3,149,425
1993	2,560,000	589,525	3,149,525
1994	2,560,000	588,725	3,148,725
1995	2,560,000	587,025	3,147,025
1996	2,555,000	589,200	3,144,200
1997	2,551,941	585,250	3,137,191
1998	2,553,881	585,175	3,139,056
1999	2,553,881	583,750	3,137,631
2000	2,553,881	580,975	3,134,856
2001	2,558,509	586,400	3,144,909
2002	2,555,766	580,025	3,135,791
2003	2,553,825	581,850	3,135,675
2004	2,555,763	581,425	3,137,188
2005	4,805,375(1)	578,750	5,384,125
2006	-0-	578,600	578,600
2007	-0-	575,750	575,750
2008	-0-	574,975	574,975
2009	-0-	571,050	571,050
2010	-0-	573,525	573,525
2011		653,125	653,125
	<u>\$ 45,717,822</u>	<u>\$ 14,467,350</u>	<u>\$ 60,185,172</u>

(1) A portion of this amount is to be funded from the remaining balance in the Debt Service Reserve Fund allocable to the Refunding Bonds and from then current annual payments required from Net Revenues.

FORT WAYNE WATER POLLUTION CONTROL UTILITY  
Fort Wayne, Indiana

Schedule of Present and Prior User Charges, Surcharges and Rates

	<u>Present Rates</u>	<u>Prior Rates</u>
<u>Rates - Domestic</u>		
<u>Billing Determinant (cents per 100 cu. ft.)</u>		
Treatment	34.23	20.52
Conveyance, Collection, Billing	22.60	19.96
Local Capital Charge	<u>2.96</u>	<u>12.84</u>
Total User Charge	<u>59.79</u>	<u>53.32</u>
<u>Minimum Charges - Per Month</u>		
5/8" - 3/4" meter	\$ 2.89	\$ 2.66
1" - 1 1/2" meter	10.20	9.40
<u>Flat Charges - Per Month</u>		
Single Family - In-City	\$ 5.98	\$ 5.33
- Out-City	7.17	6.39
<u>Inbalco Capital Surcharge</u>		
Charge Per Month	\$ 4.65	\$ 4.65
<u>Rates - Manufacturing</u>		
<u>Billing Determinant (cents per 100 cu. ft.)</u>		
Treatment	34.23	20.52
Conveyance, Collection, Billing	14.84	13.01
Capital	2.18	9.72
Pretreatment - Capital	-0-	.61
- Administration	<u>-0-</u>	<u>2.50</u>
	51.25	46.36
<u>Other Industrial Charges</u>		
Billing Charge - Per Bill	\$ 2.50	\$ .60
Surveillance Charge - Per Month	100.00	90.00
<u>Excess Strength Surcharge</u>		
Suspended Solids - cents per lb.	4.17	4.304
BOD - cents per lb.	4.63	4.300
Phosphorus - cents per lb.	37.61	41.193
Ammonia (NH3) - cents per lb.	11.41	13.200

FORT WAYNE WATER POLLUTION CONTROL UTILITY  
Fort Wayne, Indiana

## Schedule of Present and Prior User Charges, Surcharges and Rates

	<u>Present Rates</u>	<u>Prior Rates</u>
<u>Rates - Regional Contract Treatment</u>		
<u>Billing Determinant (cents per 100 cu. ft.)</u>		
Treatment	37.19	20.52
Conveyance & Collection	Variable	Variable
Billing - per bill per month	\$ 2.50	\$ .60
Surveillance Charge - per month	\$ 100.00	\$ 90.00
 <u>Rates - Bulk Waste</u>		
Industrial - per load	193.60	178.50
Domestic - per load	23.25	26.10
Billing - per bill	2.50	.60
 <u>Sewer Connection Charge (time payment basis)</u>		
Domestic - charge per month	30.00	30.00



FORT WAYNE WATER POLLUTION CONTROL UTILITY  
Fort Wayne, Indiana

Schedule of Comparative User Billings - Prior and Present Rates

		<u>Prior Rates</u>	<u>Present Rates</u>	<u>Increase Per Month</u>	
				<u>\$</u>	<u>%</u>
<u>Domestic</u>					
Minimum	- 5/8" - 3/4"	\$ 2.66	\$ 2.89	\$ .23	8.6%
Average User	- 863 cu. ft.	4.60	5.16	.56	12.2
	- 1,000 cu. ft.	5.33	5.98	.65	12.2
	- 2,000 cu. ft.	10.66	11.96	1.30	12.2
	- 3,000 cu. ft.	15.99	17.94	1.95	12.2
Flat Charge	- Outside City	6.39	7.17	.78	12.2
<u>Manufacturing</u>					
Minimum	- 4"	64.04	69.58	5.54	8.7
Average User	- 170,000 cu. ft.	788.12	871.25	83.13	10.5
Surveillance Charge		90.00	100.00	10.00	11.1
Billing Charge	- per bill	.60	2.50	1.90	416.7
<u>Contract Users</u>					
All Wholesale Users		\$ <u>38,203</u>	\$ <u>44,046</u>	\$ <u>5,843</u>	<u>15.3%</u>

FORT WAYNE WATER POLLUTION CONTROL UTILITY  
Fort Wayne, Indiana

Statement of Estimated Net Revenues and Coverage  
At Present Rates

	<u>Year Ended December 31,</u>	
	<u>1986</u>	<u>1987</u>
Estimated Operating Revenues	\$ <u>9,528,671</u>	\$ <u>10,185,561</u>
Estimated Cash Operating Expenses	<u>6,277,724</u>	<u>6,591,610</u>
Estimated Net Revenues	<u>3,250,947</u>	<u>3,593,951</u>
Debt Service Requirement - Present Debt	-0-	-0-(1)
- Proposed	<u>-0-</u>	<u>470,250</u>
Estimated Coverage	\$ <u><u>3,250,947</u></u>	\$ <u><u>3,123,701</u></u>

- (1) In the year ended December 31, 1989 and thereafter, the annual debt service requirement (see Exhibit D) is estimated to increase materially. No projection for such future periods has been made for the reason that it is impossible to estimate future revenues and net revenues, both of which income items are materially subject to future rate actions of the Common Council, growth in the numbers and service demands of future customers, and other events not now susceptible to reasonable prediction.

FORT WAYNE WATER POLLUTION CONTROL UTILITY  
Fort Wayne, Indiana

Description of the Utility

The Water Pollution Control Utility (Sewage Works) consists of over eight hundred miles of reconstructed public sewers which transport the community's wastewater to a 60 million gallon per day treatment facility. The Sewage Works serves 74,300 users in the City and contiguous areas in Allen County, which are comprised of 300 industrial users, 6,000 commercial and small industrial customers and 68,000 domestic users.

In addition to providing service to its own users, the Sewage Works has been designated a regional sewage treatment plant by the U.S. Environmental Protection Agency (EPA). Pursuant to such designation, the Sewage Works treats bulk sewage delivered into the sewer system by the City of New Haven, the Towns of Leo and Grabill, certain rural sanitary districts and one investor-owned suburban sewage utility. This bulk service is rendered subject to contract rates, terms and conditions which are reviewed and approved by EPA.

Presently installed sewage treatment capacity of the Sewage Works is 60 million gallons per day (mgd). The most recent capacity addition was made in 1979 when 30 mgd capacity was added as a part of an extensive construction program initiated in 1975 to bring the treatment and collector systems in conformance with environmental requirements of the Federal Clean Water Act of 1972. The Sewage Works has maintained an on-going capital improvements program to provide more efficient collection of waste and extensions of service as required by users.

Since 1975 all major Sewage Works construction programs have been financed for the most part by grants from EPA and Indiana State Board of Health which have provided 85% of construction costs. In the past 10 years the City has been the recipient of over \$90 million of such construction grant proceeds.

## **A P P E N D I X   B**



D R A F T

(Closing Date)

To: \_\_\_\_\_  
\_\_\_\_\_

We have examined the transcript of proceedings (Transcript) relating to the issuance by the City of Fort Wayne (Issuer), in the County of Allen and State of Indiana, of its \$5,700,000 Sewage Works Revenue Bonds of 1986, dated as of \_\_\_\_\_, 1986 (Bonds). The Bonds are issued for the purpose of construction of additions and improvements to the Sewage Works (Utility) of the Issuer as more particularly described in Ordinance No. S-114-86 of the Common Council of the Issuer adopted on July 22, 1986 (Ordinance). The documents in the Transcript examined include a certified copy of the Ordinance. We have also examined an executed Bond certified by Summit Bank as the Registrar to be the lowest numbered Bond authenticated.

Based on this examination, we are of the opinion that, under the law in effect on the date of this opinion:

1. The Bonds and the Ordinance are legal, valid, binding and enforceable in accordance with their respective terms, except that the binding effect and enforceability thereof are subject to applicable bankruptcy, insolvency, reorganization, moratorium and other laws in effect from time to time affecting the rights of creditors, and except to the extent that the enforceability thereof may be limited by the application of general principles of equity.

2. The Bonds constitute special obligations of the Issuer, and the principal of and interest on the Bonds (collectively, debt service), together with debt service on additional bonds (Parity Bonds) issuable under the Ordinance on a parity with the Bonds, are payable solely from the net revenues of the Utility (defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance and payment of principal of and interest on certain senior lien bonds. The Bonds and the payment of debt service are not secured by an obligation or pledge of any moneys raised by taxation and the Bonds do not represent or constitute a debt or pledge of the faith and credit of the Issuer and are not an indebtedness of the Issuer within the meaning of the provisions and limitations of the constitution or statutes of the State of Indiana.

D R A F T

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(Closing Date)

Page 2

3. The interest on the Bonds is exempt from federal income tax. The Bonds and the interest thereon are exempt from taxation in the State of Indiana for all purposes except the state inheritance tax. Our opinion as to the exemption of interest from federal income tax is based on and assumes the accuracy of certain representations of the Issuer set forth in the Ordinance and in the Issuer's certifications, contained in the Transcript.

In rendering this opinion, we have relied upon certifications and representations of fact, contained in the Transcript, which we have not independently verified and, with respect to certain matters of Indiana law, we have relied upon the opinion of Bruce O. Boxberger, Esquire, Corporation Attorney for the Issuer.

Respectfully submitted,

## A P P E N D I X   C

**BID FORM**  
(Optional)

PROPOSAL FOR PURCHASE OF  
\$5,700,000  
SEWAGE WORKS JUNIOR REVENUE BONDS OF 1986

To the City Controller of Fort Wayne, Indiana:

The undersigned herewith submits its sealed proposal for the purchase of the following described bonds of Fort Wayne, Indiana:

Designation of issue:	Sewage Works Junior Revenue Bonds of 1986
Amount of issue:	\$5,700,000
Dated:	August 1, 1986
Interest:	First payment July 1, 1987 and semi-annually thereafter.
Denomination:	\$5,000 or integral multiple thereof.
Maturities:	In the years and amounts as follows.

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1989	\$ 80,000	2000	\$ 205,000
1990	90,000	2001	230,000
1991	95,000	2002	245,000
1992	105,000	2003	270,000
1993	115,000	2004	295,000
1994	125,000	2005	320,000
1995	135,000	2006	350,000
1996	150,000	2007	380,000
1997	160,000	2008	415,000
1998	175,000	2009	450,000
1999	190,000	2010	495,000
		2011	625,000

For all of the above-mentioned bonds, bearing interest at the following rates of interest per annum:

<u>Principal Amount</u>	<u>Maturities</u>	<u>Interest Rate</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

the undersigned will pay the sum of Five Million Seven Hundred Thousand Dollars (\$5,700,000), plus accrued interest from the date of said bonds to the date of delivery thereof, computed at the interest rate or rates herein named, and a premium of \_\_\_\_\_ (\$ \_\_\_\_\_), the bonds will be payable from the net revenues of the sewage works and shall not constitute a general obligation of the City; the transcript of the proceedings, closing certificates showing no litigation, the approving opinion of Squire Sanders & Dempsey, bond counsel of Columbus, Ohio, and the printed bond forms with the legal opinion printed thereon, to be furnished by the City of Fort Wayne (City).

Enclosed is a duly certified check or cashier's check drawn on a bank or trust company which is insured by the Federal Deposit Insurance Corporation, payable to the City of Fort Wayne, Indiana in the amount of Fifty Thousand Dollars (\$50,000), which check shall be held by said City as a guaranty of the performance of this bid, should the same be accepted or immediately returned if this bid is not accepted.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
Name or Names of Bidder

By: \_\_\_\_\_  
Authorized Officer or Agent

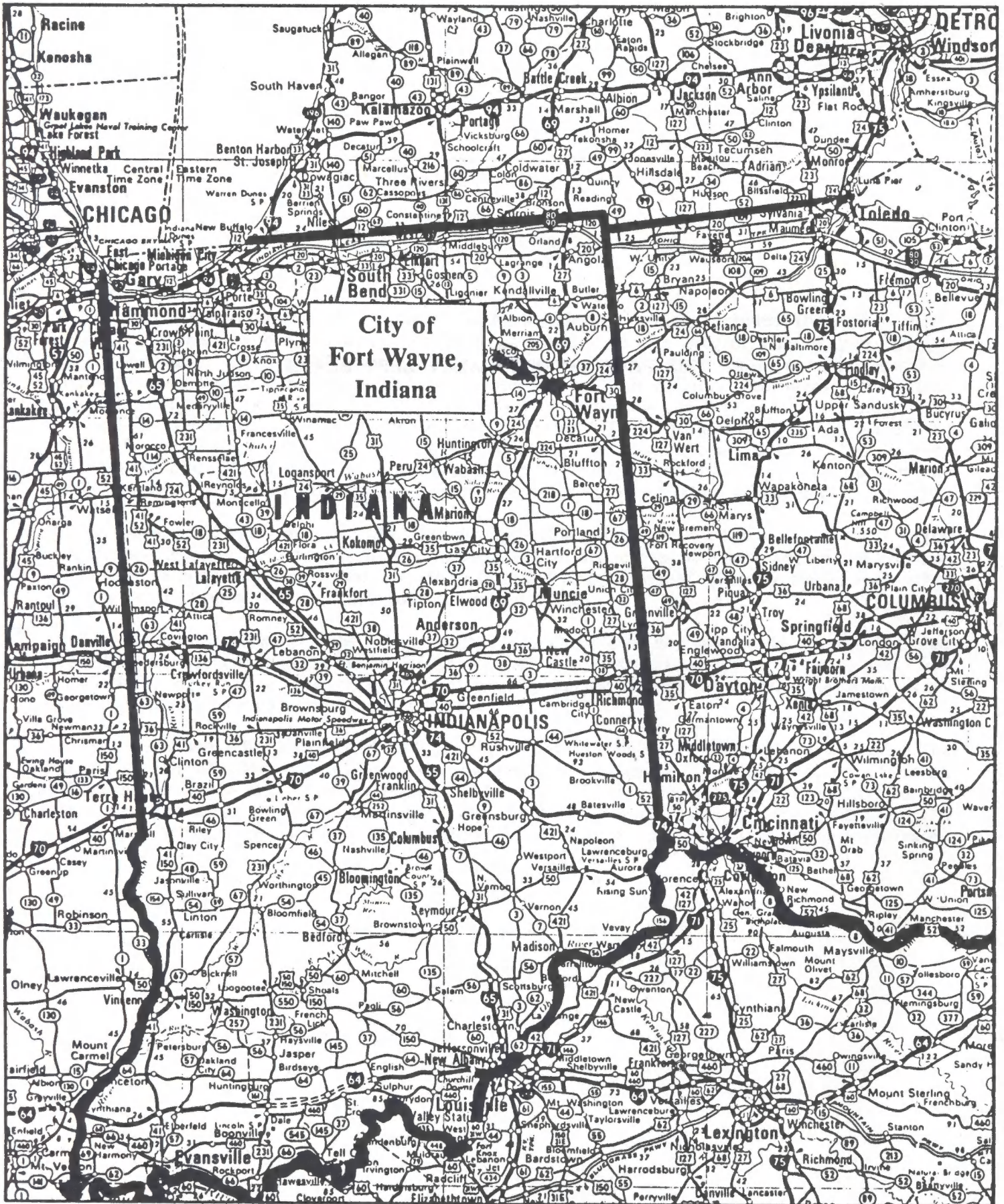
\_\_\_\_\_  
Address of Authorized Officer or Agent

Net dollar interest cost \$ \_\_\_\_\_

Net interest rate \_\_\_\_\_ %



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ORIGINAL

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 3-86-06-07

SYNOPSIS OF ORDINANCE 5812 Covington Road

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi-Family Residential.

Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

BILL NO. Z-86-06-07

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort  
Wayne Zoning Map No. E-3

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO

BEN A. EISBART  
CHAIRMAN

JANET G. BRADBURY  
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 7-22-86

SANDRA E. KENNEDY  
CITY CLERK